

Montgomery County Circuit Court FY2010 Case Time Processing Report

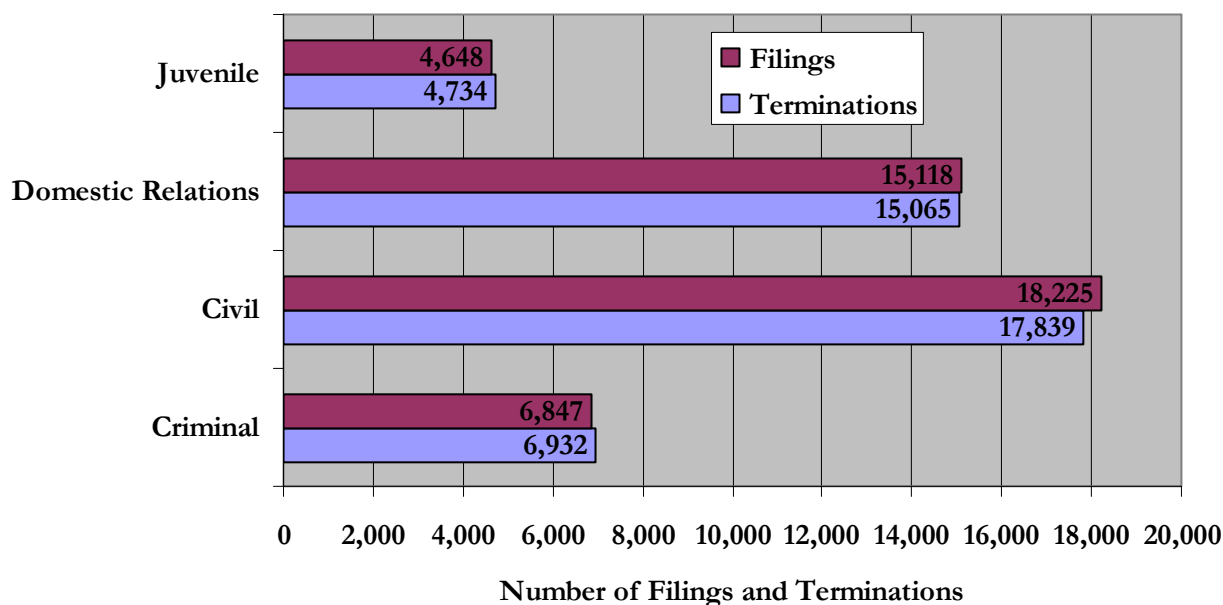


Montgomery County Circuit Court's Fiscal Year 2010 Case Processing Time Report Executive Summary

Montgomery County Circuit Court Workload Performance for FY2010¹

Montgomery County Circuit Court's key workload performance measures include case filings, terminations, and clearance rates. During Fiscal Year 2010 (FY10), the Court processed 44,838 filings, including 28,626 original filings (64%) and 16,212 (36%) filings of reopened cases. A total of 44,570 cases were terminated in FY10, of which 28,320 (64%) were original and 16,250 (36%) were terminations of reopened cases. Case type-specific filings and terminations are presented in Chart 1. The FY10 overall clearance rate (including both original and reopened cases) is 99% compared to 93% in FY09. Between FY07 and FY09, civil filings jumped by 42% from 11,806 to 16,790 whereas the increase in civil terminations was rather modest (27%). As a result, the civil clearance rate during that period ranged from 94% in FY07 to 84% in FY09. In FY10, the civil clearance rate improved to 98%. Thus, despite continued increases in civil filings, which further increased to 18,225, the Court has been able to process a larger proportion of its civil caseload than in previous years. The clearance rates for family, criminal, and juvenile (juvenile delinquency and child-welfare combined) cases are at or above 100% in FY10, which further improved from the FY09 clearance rates for these case types.

Chart 1 Filings and Terminations by Case Type, FY10



¹ Workload performance data was received from Montgomery County Circuit Court's Data Processing Department on December 15, 2010.

Montgomery County Circuit Court Caseflow Assessment Performance for FY2010

For the purpose of the Maryland Caseflow Assessment, Montgomery County Circuit Court had 22,038² original case terminations in FY10, which is a 14% increase from the number of FY09 terminations (19,389). Terminations for all case types increased except for juvenile delinquency and child in need of assistance (CINA) cases. Civil cases experienced the greatest percentage increase in terminations by 30% between FY09 and FY10. The greatest percentage decline in terminations occurred among CINA shelter terminations, which experienced a 45% decrease between FY09 and FY10. This decrease in CINA shelter terminations may be due in part to the 38% decrease in CINA shelter original filings from 228 to 142 between FY09 and FY10.³

Table 1 presents the Montgomery County Circuit Court's case processing performance measured in terms of the percentage of cases closed within the state-defined time standards. The table also displays the statewide goals and the consolidated statewide within-standard percentages (weighted "statewide percentage"). The analysis was based on all original case terminations in FY10. Similar to the past two fiscal years, Montgomery County Circuit Court's performance is above the state performance goal for domestic relations (DR) cases. In particular, 92% and over 99% of DR cases closed within the 1-year and 2-year time standards, respectively. The Court's percentage of cases closing within the state time standards in FY10 is better than the statewide within-standard percentages (weighted) for all case types. The Court continues to aggressively manage its caseload and implement improvement initiatives as necessary, realizing that there are always opportunities for improvement.

Table 1 Maryland Case Processing Standards and Montgomery County's FY08-FY10 Performance

Case Type	Caseflow Time Standard	Montgomery County Terminations			Percent Within-Standard				Statewide Percentage, FY10*
		FY09	FY10	FY10- FY09	State Mandated	Montgomery County			
						FY10	FY09	FY08	
Civil	548	7,746	10,079	2,333	98%	96%	96%	95%	90%
Criminal	180	2,478	2,607	129	98%	95%	96%	86%	91%
DR, standard 1	365	7,440	7,776	336	90%	92%	92%	90%	88%
DR, standard 2	730				98%	>99%	>99%	>99%	98%
Juvenile Delinquency	90	1,384	1,316	-68	98%	96%	96%	95%	94%
CINA Shelter	30	238	131	-107	100%	80%	69%	80%	66%
CINA Non-Shelter	60	64	62	-2	100%	97%	81%	90%	92%
TPR	180	39	67	28	100%	82%	95%	61%	41%
Total		19,389	22,038	2,649					

* As of December 6, 2010, the Statewide Caseflow Assessment has not been completed. Accordingly, the statewide within-standard percentages displayed above should be considered preliminary, weighted percentages.

The Court's case processing performance as measured by the percentage of cases closing within the state-defined time standards improved for CINA cases between FY09 and FY10. Civil and DR cases maintained their FY09 performance into FY10. The processing performance of criminal cases and termination of parental rights (TPR) cases declined between FY09 and FY10. In particular, criminal case processing performance declined by one percentage point from 96% in FY09 to 95% in FY10. While it is not clear what caused the performance decline, a change in how criminal terminations were extracted for

² Since certain case sub-types are excluded from the Caseflow Assessment, the total number of terminations used for the assessment (22,038) is lower than the number of original terminations reported as the Court's total workload (28,320 terminations) in FY10.

³ For the case time assessment report, a CINA shelter and non-shelter termination is defined at the time of adjudication. Accordingly, the number of CINA shelter filings in FY09 and FY10 reported above may not directly correspond with the CINA shelter terminations included in the case time assessment analysis.

the FY10 assessment may explain at least in part why performance appears to have declined slightly. TPR case processing performance declined by 13 percentage points from 95% in FY09 to 82% in FY10.

Table 2 provides the overall Average Case Time (ACT) for within-standard and over-standard cases between FY08 and FY10. Notable is the increasing trend in the civil ACT from 213 days in FY08 to 241 days in FY10, which is a 13% increase. For criminal, DR, and TPR cases, the ACT decreased between FY08 and FY09 then subsequently increased between FY09 and FY10 whereas juvenile delinquency and CINA cases experienced the opposite pattern of results.

Table 2 Average Case Processing Time (in Days) by Case Type, FY08-FY10

Case Type	Caseflow Time Standard	Overall, Average Case Processing Time			FY10 Average Case Processing Time	
		FY08	FY09	FY10	Within- Standard	Over- Standard
Civil	548	213	226	241	222	699
Criminal	180	95	77	80	71	263
Domestic Relations, standard 1	365	155	148	150	121	494
Domestic Relations, standard 2	730				146	927
Juvenile Delinquency	90	46	47	45	42	113
CINA Shelter	30	27	34	26	21	47
CINA Non-Shelter	60	43	56	39	37	82
TPR	180	187	145	150	127	255

The percentage of trial postponements was greater among criminal cases (51%) as compared to civil (2%), DR (2%), juvenile delinquency (30%), CINA shelter (34%), CINA non-shelter (39%), and TPR (43%) cases. Over 70% of criminal trial postponements were due to a computer generated trial date, accounting for 48% of the postponement reasons in over-standard cases. In FY09, the most frequent postponement reason among TPR cases was also a computer generated trial date whereas in FY10 it was the second most frequently cited postponement reason. As noted in the past with criminal cases, the use of this postponement reason does call into question the Court's scheduling practices. Based on the Court's review of TPR postponement reasons since FY07, the use of the 'system-generated trial date' as a postponement reason started occurring in FY09 and continued in FY10. Having recognized the potentially detrimental impact of this type of postponement on criminal cases, the Court implemented a policy effective July 1, 2010 of setting trial dates with counsel at the time of the scheduling hearing. For TPR cases, the Court may want to review the circumstances under which this postponement reason was used and develop measures to prevent its use from becoming common practice. Further, the Court should examine how postponement reasons are being chosen in general and assess whether there is consistency across departments in the meaning and application of the defined reasons. In FY11, the Court will review the current Juvenile DCM plan and will examine the use of this postponement reason in TPR cases.

Montgomery County Circuit Court plans to conduct several additional analyses that examine case processing against the Court's DCM guidelines. As a baseline, an analysis will be performed that assesses the extent to which cases reach trial by the defined DCM guidelines. Future analyses will be performed by examining the extent to which cases resolve at scheduling, pre-trial, and other key events occurring prior to trial. Through these analyses, the Court can identify the stage of case where timely resolution may be at risk. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to reverse a declining trend. The analysis may also help the Court develop benchmarks for the percentage of cases that should be resolved at each stage or each key court event.

As noted in the Court's FY08 and FY09 Caseflow Assessment Reports, cases are often placed on the Court's general stay docket for various reasons such as 'pending the outcome of another Circuit Court case', 'pending Alternative Dispute Resolution or Mediation', 'pending settlement negotiations', etc. Since these periods of inactivity are not excluded from the calculation of the case processing time because they are not defined as valid suspension events, the case time of those cases with these stays is over-estimated. Montgomery County Circuit Court is able to provide the Time Standards Sub-Committee with information about the types and frequency of stay events that may need to be considered as caseflow suspension events. However, it is also recommended that a statewide analysis be performed to assess how frequently such stay/inactive periods are in cases statewide as well as for how long (on average) cases are stayed.

Ensuring that data quality controls are consistently implemented across case types is critical to the integrity of the analysis and ultimately the validity of the conclusions and policy recommendations drawn from the analysis. Identifying cases that have an incorrectly calculated case processing time could affect whether a case type is viewed as performing better or worse than in the past. Caution should also be exercised when comparing figures across fiscal years because various factors, such as data quality improvements, shifts in the composition of case terminations by sub-type, and changes in the state case time standards, may explain variations in case processing performance over time.

Montgomery County Circuit Court's Fiscal Year 2010 Case Processing Time Report

Abstract

In an effort to assess Montgomery County Circuit Court's case processing performance for Fiscal Year 2010 (FY10), the analysis is performed on all original terminations.⁴ In FY10 there were a total of 22,038 (FY09: 19,389, FY08: 19,337, FY07: 17,306) original closures by the Circuit Court across civil (N = 10,079, FY09: 7,746; FY08: 7,243; FY07: 6,320), criminal (N = 2,607, FY09: 2,478; FY08: 2,613; FY07: 2,485), domestic relations (DR) (N = 7,776, FY09: 7,440; FY08: 7,673; FY07: 6,722), juvenile delinquency (N = 1,316, FY09: 1,384; FY08: 1,492; FY07: 1,485), child in need of assistance (CINA: N = 193, FY09: 302; FY08: 246; FY07: 263), and termination of parental rights (TPR: N = 67, FY09: 39, FY08: 70; FY07: 31) cases. Of the 193 CINA cases, 131 were shelter cases and 62 were non-shelter cases.

Montgomery County Circuit Court's case processing performance as measured by the percentage of cases within the state defined time standards improved for child welfare cases between FY09 and FY10. Specifically, 69% of CINA shelter case closed within the 30-day time standard in FY09 compared to 80% in FY10. For CINA non-shelter cases, 81% closed within the 60-day time standard in FY09 compared to 97% in FY10. Performance for civil, DR, and juvenile delinquency cases maintained their FY09 levels whereas performance for criminal and TPR cases declined between FY09 and FY10. For criminal cases, 96% were closed within the 180-day time standard in FY09 compared to 95% in FY10. TPR cases experienced a 13 percentage point reduction in its within-standard percentage between FY09 and FY10 from 95% to 82%, respectively. The declines in case processing performance experienced among criminal and TPR terminations are likely due to a variety of factors including changes to data collection procedures, postponements, and modifications to court practice all of which are discussed in more detail in the report.

When compared to the statewide within-standard percentages across case types, Montgomery County Circuit Court's performance was higher for all case types.⁵ While the Court continues to exceed the state defined time standards for DR cases in FY10, it failed to meet the standards for the other case types. To address efficiency gaps, the Court revised its Civil and Criminal Differentiated Case Management (DCM) Plans for FY11 and is in the process of reviewing the Juvenile DCM plan with a review of the Family DCM plan to follow. Improvements in case processing are anticipated as a result of this initiative and enhanced case management.

⁴ However, the cases with following sub-case types are excluded from the assessment: adoption, asbestos, consent, domestic violence, federal tax lien, friendly suit, homeowners association, lien, Lis Pendens, recorded judgment, peace order, transfers from other jurisdictions for probation, voluntary placement, reopened, and restricted (sealed) cases.

⁵ As of December 6, 2010, the Statewide Caseflow Assessment has not been completed. Accordingly, the Statewide within-standard percentages should be considered preliminary, weighted percentages.

Montgomery County Circuit Court's Fiscal Year 2010 Data Quality Review Procedures

Since Montgomery County Circuit Court maintains its data, the Court's data quality review procedures were performed earlier than most courts. The majority of the data quality efforts were undertaken prior to the data being uploaded to the Caseflow Assessment Application. Also, Montgomery County Circuit Court's data quality review procedures occur throughout the year, are performed on all terminated cases, and are not conducted solely for the purposes of the annual caseflow assessment. Therefore, a discussion of Montgomery County's data quality review process will not only include information on the procedures undertaken to ensure the quality of the FY10 caseflow data but also the procedures performed throughout the year that can impact case processing performance in advance of a case closing and eventually becoming part of the caseflow assessment.

Montgomery County Circuit Court is committed to ensuring the quality of its data for case management purposes as well as achieving its mission of delivering justice to County residents "in an honest, fair, and efficient manner." Data quality review is a year-round, collaborative effort undertaken by Court Administration and the Clerk of the Court. Several Departments and Offices are involved in the Court's data quality review efforts including but not limited to the Criminal, Civil, Family, and Juvenile Departments under the Clerk's Office as well as the Quality Control Department, Administrative Aides Office, and Assignment Office under Court Administration. Provided below is a brief description of the integral role each Department and Office has in the Court's data quality review process:

Clerk of the Court-Civil, Criminal, Family, and Juvenile Departments and Courtroom Clerks: As detailed in Maryland Code 2-201, the Office of the Clerk of the Court was established as an independent keeper of the records to maintain their integrity in a safe and impartial manner. As part of ensuring the fulfillment of its responsibility, under the new leadership, the Civil, Criminal, Family, and Juvenile Departments as well as the Courtroom Clerks, work closely with Quality Control, Administrative Aides, Assignment Office, and Family Division Services case managers to improve data entry and correction procedures, to reconcile discrepancies in case information, and to discuss and resolve related issues.

Court Administration: The Office of Court Administration acts as a conduit for many judicial and non-judicial operations of the Court, implements the administrative responsibilities of the Court, and develops policies to enhance system performance. The caseflow assessment and the quality control of the Court's case management data were mainly performed by the Quality Control staff under the direction of the Court Administrator until December 2006 when the Court Administrator and the newly elected Clerk of the Court started collaborating to define and implement routine court data quality procedures. Designated administrative personnel perform additional reviews of the data to ensure its accuracy is maintained. The administrative staff is also responsible for making sure that the data is correctly uploaded to the Assessment Application.

Quality Control and Administrative Aides (QC/AA): Created by the Court Administrator, QC/AA's are responsible for monitoring and maintaining the quality of case information generated by various offices in the Circuit Court and developing quality improvements necessary in the system. This Division monitors the progress of civil, criminal, and domestic relations (DR) cases, audits closed cases, and works collaboratively with the Clerk of the Court's Departments to ensure the accuracy of the annual caseflow data.

Assignment Office (AO): AO is responsible for scheduling hearings and trials, and for ensuring that all events are scheduled in compliance with the Court's Differentiated Case Management (DCM) Plans. AO's staff works with the Courtroom Clerks to ensure that the outcomes of posted events are accurately reflected and updated in the Court's case management data system. If a data mismatch occurs between AO and the Clerk's Office, a report is generated by Data Processing (DP). AO staff and the Clerk's Office personnel work together to reconcile all of the mismatched data reflected on that report.

Family Division Services (FDS): While the core function of FDS is to provide auxiliary services to parties involved in DR and juvenile cases, its family and juvenile case managers are an integral part of the Court's year-round data quality review process by checking the progress of cases and ensuring that they are in the correct posture to be before the designated judges and masters. Family Division case managers also audit all DR cases that close in the fiscal year.

Data Processing (DP): Under the Technical Services Department, DP maintains the Court's case management system and generates various case processing-related reports for Administration staff, case managers, and clerks throughout the year. The reports generated vary in purpose and include:

- Questionable Case Reports that identify cases with conflicting data entered by the Assignment Office, Courtroom Clerks, as well as Civil, Criminal, Family, and Juvenile Departments;
- Open Cases and Cases Exceeding the Court's Differentiated Case Management (DCM) Track Specifications Reports require the Court's review and possible actions to ensure efficient processing; and
- Audit Reports that print for each closed case and require verification of information associated with key case events.

During the caseload data preparation period, DP creates case type-specific detailed reports of over-standard cases for review and analysis and extracts random samples of cases that are uploaded to the Assessment Application.

Differentiated Case Management (DCM): Montgomery County was the first jurisdiction in Maryland to develop DCM plans. The goal of Montgomery County Circuit Court's DCM is two-fold: increased efficiency in case processing and reduced demand for judicial intervention at every phase of litigation. DCM achieves these goals through the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources required. Each case is assigned to the appropriate case track to allow for the performance of pre-trial tasks and the appropriate level of court resources to be afforded while minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track. The Civil and Criminal DCM plans were revised in July 2010 and the Court is currently reviewing its Juvenile DCM plan. While the DCM and the Maryland Caseflow standards operate independently and there is overlap between the two and it is important that the Court processes cases according to the DCM guidelines because strict adherence ensures compliance with the statewide case time standards.

Data Quality Procedures Performed Throughout the Fiscal Year

This section focuses on the data quality checks performed throughout the fiscal year on open cases, some of which have subsequently closed and are included in the Court's FY10 caseload data. Montgomery County Circuit Court's QC/AA staff, Family and Juvenile Case Managers, and Clerk's Office personnel perform routine data quality checks on all open criminal, civil, DR, juvenile delinquency and child welfare cases throughout the fiscal year. In order to maintain the accuracy of docketed information, department managers, supervisors and lead workers oversee clerks' docket entries for questionable data. They also

review the docket information printed on the audit sheets for closed cases before the files are given to QC/AA staff or Family Division Services case managers. On a weekly basis, QC/AA staff and designated clerks in the Criminal, Civil, Family, and Juvenile Departments monitor cases without future scheduled events that need the Court's close attention or immediate action, validate the data entered by the Courtroom Clerks and Assignment Office staff, and ensure that cases are being set in the proper posture. The main objective of these activities is to monitor case processing activities and the progress of open cases and to make certain that cases are disposed according to the Court's DCM Plans.

One of the major undertakings of QC staff, case managers, and the Clerk's Departments is performing audits of closed cases. During auditing, personnel from various departments compare key case information extracted from the Court's case management data in **all** closed criminal, civil, DR, and juvenile cases with the information in actual case files. Specifically, Administrative Aides audit the civil cases, Quality Control audits miscellaneous petitions and criminal cases and assists the Administrative Aides with auditing civil cases, when necessary. Family Division Services case managers audit DR cases and the Juvenile Department manager audits the juvenile cases. Examples of the key data fields audited include filing, service, and answer dates, as well as case stop date, trial settings, disposition codes, etc. The audit sheets are tailored to key information (or data fields) for each case type. As in previous years, all FY10 criminal, civil, DR, and juvenile delinquency cases were audited by court personnel. In FY09, the Court started auditing child support cases (Montgomery County Office of Child Support and Enforcement (MCOCSE)) cases, as well as auditing child in need of assistance (CINA) cases, and termination of parental rights (TPR) cases. Montgomery County Circuit Court believes that its case audits meet, if not exceeds, the '10% Review' requirement defined in the FY10 Caseflow Assessment Training Manual.

As part of continuing efforts to improve case processing performance, representatives from the Clerk of the Court's Office and Court Administration hold monthly meetings for each case type in which they identify and address any case processing issues that require inter-departmental coordination. These forums provide an opportunity to address and reconcile a variety of case processing, data programming, and procedural issues in an efficient manner.

Data Quality Procedures Performed Specifically on the FY2010 Caseflow Data

In addition to conducting audits of closed cases and performing routine checks of the accuracy of the Court's docket entries, designated court personnel performed additional data quality reviews specifically during the data preparation period to generate the FY10 caseflow data. First, Data Processing compiled the cases closed in FY10 into a case type-specific database (Microsoft (MS) Access tables), which contains the mandatory and optional data fields that align with those in the State's Caseflow Assessment Application. Using the information in the database, Data Processing created reports that list all over-standard cases with the key data fields (as defined by the state time standards) for each case type (civil, criminal, DR, juvenile delinquency, CINA and TPR). The information is reviewed by Quality Control staff, Court Administrative staff, and the Court Researchers to ensure the accuracy of the data, which has already been audited, and to identify the reasons why cases are over-standard through reviewing the docket entries contained in the Court's data management system. For FY10, review primarily focused on docket entry errors as opposed to explaining why a case was over-standard. Although, the Court's QC staff provided information such as key event dates for over-standard cases, additional analysis is required before definite conclusions can be drawn as to why a case is closed over-standard. That said, the information obtained and the data analyzed does provide some insight as to why cases closed over-standard. Review of the FY10 data also focused on cases with missing suspension start or stop dates. In particular, missing suspension begin or end dates were identified by comparing caseflow data contained in the MS Access tables, the Court's case management system, actual case files and occasionally information obtained from *CourtSmart*. Questionable cases were then provided to Court Administrative staff for reconciliation.

Additional Data Quality Review Procedures Performed on the FY2010 Caseflow Data

Finally, the Court Researchers performed additional data quality checks on the caseflow data. Instead of verifying the information of each case with the actual files, the Court Researchers primarily examined the data with a statistical package and identified questionable data that had been overlooked during the more intensive and targeted data reviews. For example, the Court Researchers recalculated the case processing time based on the information available from the data and compared it with the case time originally calculated by DP to ensure that all the valid suspension events were taken into account and that the correct time was reflected. In the past, this analysis revealed the omission of particular types of suspension events or instances where the suspension end dates were not appropriately extracted. The Court Researchers also checked and verified the cases with negative case times and missing start dates in order to fulfill the caseflow requirement of performing an ‘initial data quality review’. All reviews were conducted initially by checking the information from the Court’s case management data and then with the actual case files when necessary. In this sense, the checks performed by the Court Researchers closely aligned with the caseflow’s initial data quality review, and served as the final review before any analyses were performed.

Characteristics of the Questionable Data Uncovered during the Data Quality Reviews

During this fiscal year’s review of the caseflow data, some of the questionable data uncovered included incorrect docket codes used to inactivate or close a case, as well as challenges in capturing the appropriate suspension end date. For example, criminal cases often have docket codes for an evaluation order of Not Criminally Responsible (NCR), general Psychological Evaluation and Incompetency that are used interchangeably. This occurs partly because what is ordered in the courtroom may not be clear since a single evaluation may be used for both NCR and Competency and partly because the reports received do not always use the same language as in the original order. As a result, it is not uncommon for the caseflow data to have a missing start or end date for at least one of these suspension events. Further, instances where no report is filed with the Court prior to the hearing in which the report is to be used often results in no suspension end date. Efforts are being undertaken to minimize the presence of such questionable case information. However, in the meantime, court personnel needs to review the case files when such questionable information is uncovered and identify whether or not the missing data elements are valid.

During the reviews of civil cases, the Court experienced several challenges related to correctly identifying the status changes of multiple defendant cases. Accurately tracking changes in case status is important because Montgomery County Circuit Court suspends case time only when a case goes inactive, and the presence of multiple defendant cases creates challenges identifying the point at which a case goes inactive. For example, it can be difficult for staff to identify the appropriate case status when a multiple defendant case has one defendant in bankruptcy yet the case initially remains active as to the other defendants. When those ‘active’ defendants receive their judgments, the case status should change from active to inactive if the defendant (initially in bankruptcy) remains in bankruptcy. In addition, the suspension start date in this case would no longer be the ‘suggestion of bankruptcy’ but rather the date the case went inactive (following the judgments received on the defendants who were not in bankruptcy). The Court has discussed how best to capture suspension data in multiple-defendant cases; however, the solutions are challenging and compounded by resource limitations. Another challenge in civil cases is the presence of multiple suspension events of the same kind. For instance, it is common to have multiple bankruptcy suspension events in a case. The programming pulls the first bankruptcy suspension event when often times the longer suspension is associated with the second or third bankruptcy suspension event. Since the Caseflow Assessment Application only allows for one bankruptcy suspension event, researchers have to manually identify the suspension start and end dates for the longest suspension event when multiples of the same kind exist.

A few examples of questionable case information uncovered in juvenile delinquency and child welfare cases include:

- Efforts were undertaken early in FY09 to address challenges with capturing the suspension end dates associated with the orders for a Pre-Disposition Investigation (PDI) report and Pre-Disposition Treatment (PDT) program. Since these initiatives were implemented mid-FY09, a number of instances occurred where these suspension events had a missing suspension end date. To reconcile this issue, the Court staff reviewed actual case files to determine whether the reports or notations related to the reports existed. Modifications were made to the data where appropriate. It is important to note that in FY10 most of the missing suspension end dates did not impact case processing time but rather “muddied” the data. That is, multiple docket entry codes are being used to populate different suspension events because such events are not mutually exclusive. The PDI Report is a generic name for a social history report performed by the Department of Juvenile Services. The PDI may include a psychological evaluation, which is also defined as a caseflow suspension event. It is recommended that the Court Researchers, Data Processing, Court Administration, the Juvenile Department Manager, and the Supervising Juvenile Case Manager discuss appropriate solutions to clarify the juvenile delinquency suspension elements collected as part of the case processing report.
- The main questionable data element uncovered in child welfare cases was the status changes in CINA cases from Shelter to Non-Shelter status and vice versa. While not an overwhelming problem in FY10, the Juvenile Department is ensuring that when a child’s placement changes multiple times prior to adjudication all status changes are noted in the data system. This also requires a programming change to ensure that placement status is tracked. For the case assessment data, the last status change prior to adjudication determines whether a CINA case is characterized as shelter or non-shelter.

When issues are identified, court personnel take a multitude of steps to reconcile the inconsistencies such as listening to *CourtSmart*, contacting attorneys about the status of an issue, and meeting with clerks to resolve the issue. Also, DP is involved in reconciling questionable case information that is uncovered during the data quality review processes.

Montgomery County Circuit Court's Fiscal Year 2010

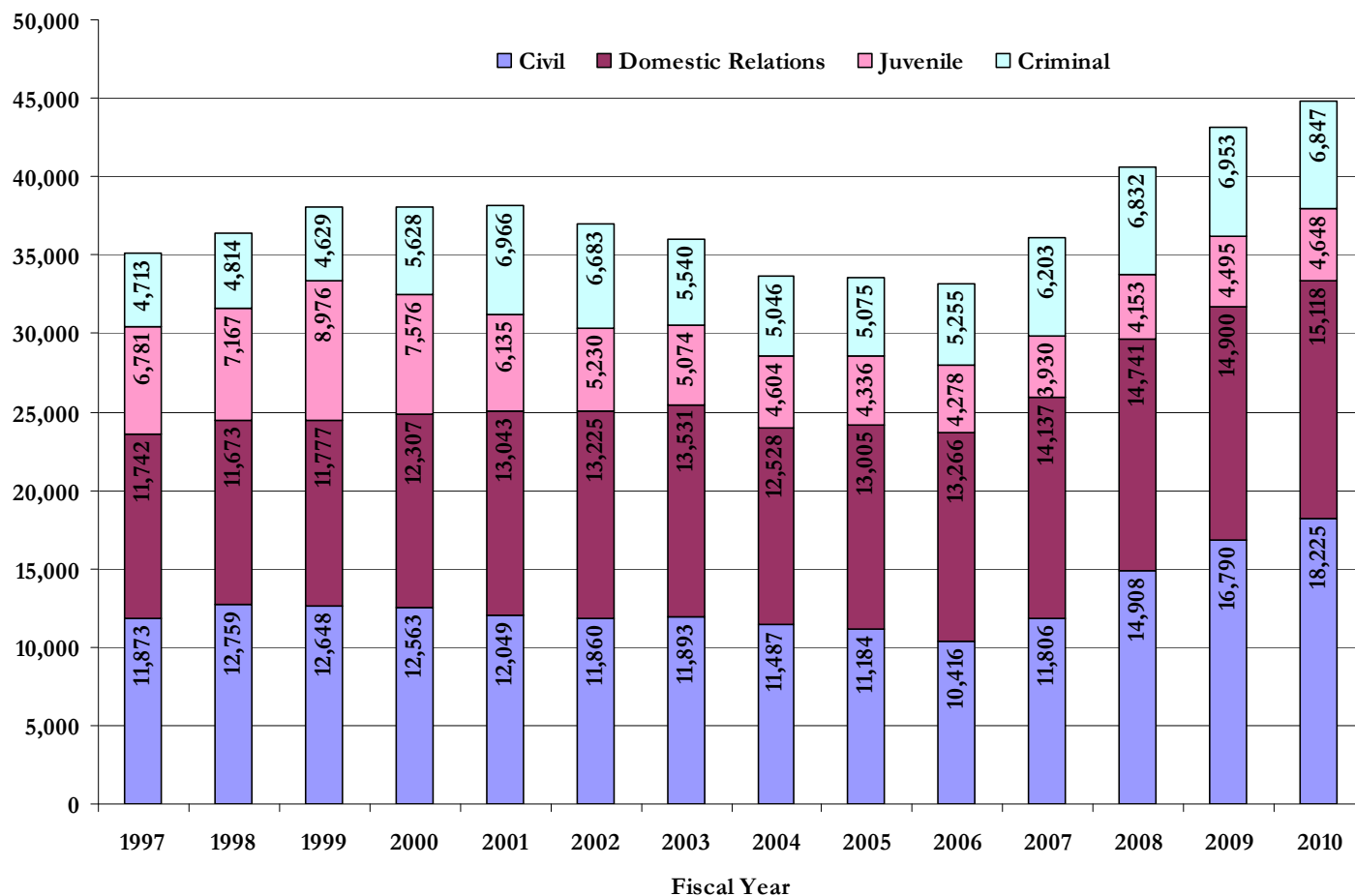
Workload Performance

Prior to discussing the case processing performance results, it is important to review the Court's workload for FY10. There are several measures of workload performance; however, those briefly discussed in this report include: filings, terminations, and clearance rates. The charts highlighted below display the pattern of workload performance for the past 14 years.

Filings by Case Type, FY97 – FY10

Chart 1 reveals that filings (original and reopened) increased across all case types except criminal between FY09 and FY10. The greatest increase in filings between FY09 and FY10 occurred among civil cases (9%) primarily due to an increase in civil Track N cases. Track N civil filings increased by 23% between FY09 and FY10, and primarily include but are not limited to foreclosure filings. The civil and domestic relations filing totals for FY10 are at their highest level since FY97. Between FY97 and FY10, civil filings increased by 53%; domestic relations (DR) filings increased by 29%; juvenile delinquency filings decreased by 31%; and criminal filings increased by 45%.

Chart 1 Filings by Case Type, FY97-FY10



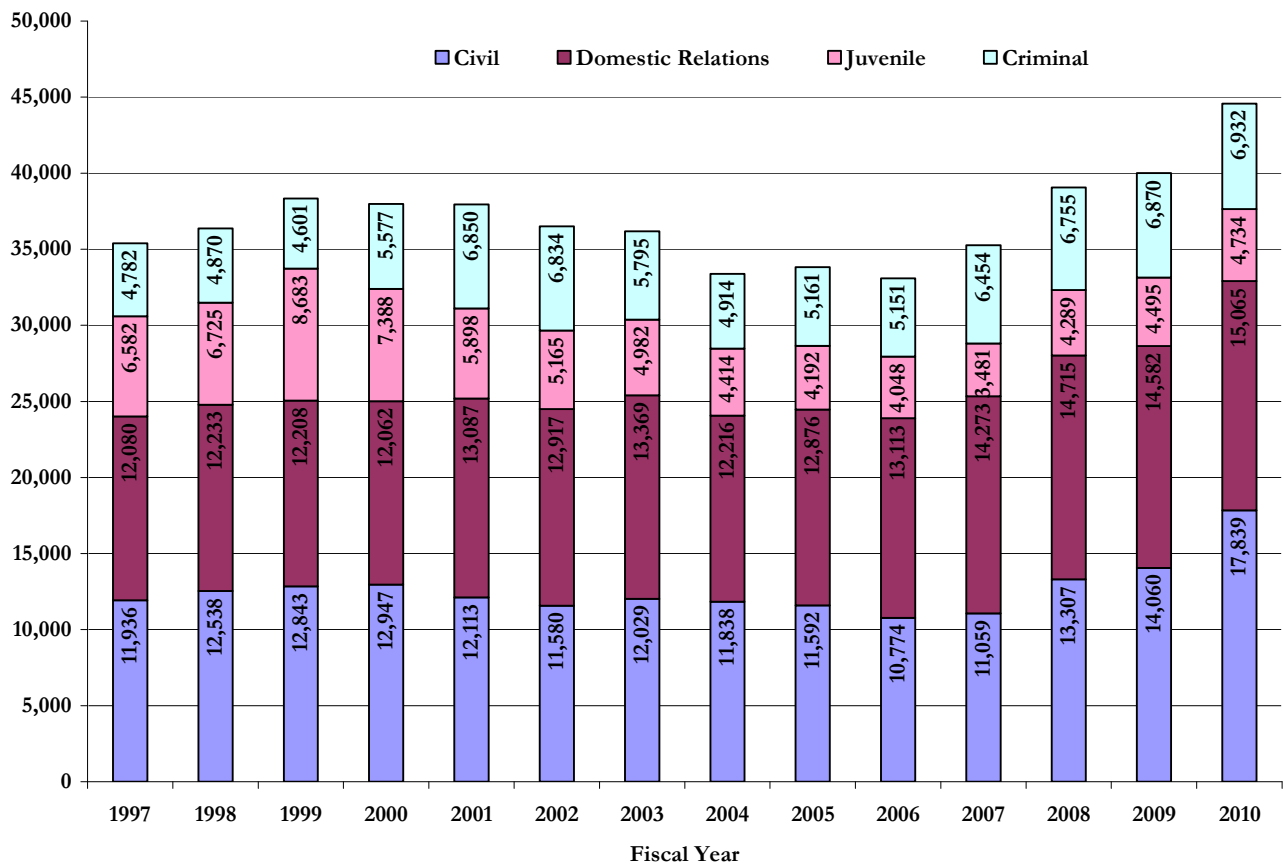
Source: PERFONEW

* Includes reopened filings and Register of Wills filings. Juvenile cases include the following case types: adoption, child in need of assistance, child in need of supervision, delinquency, guardianship, peace order, voluntary placement, and other unreported category. Juvenile data from FY1997 to FY2002 is from the Administrative Office of the Courts, Maryland Judiciary.

Terminations by Case Type, FY97–FY10

Chart 2 displays the total number of terminations (original and reopened) by case type between FY97 and FY10. It is important to note that the terminations displayed will not mirror the terminations included in the case processing performance analysis because the workload information includes terminations of reopened cases as well as original terminations among case sub-types that are excluded from the performance analysis. Case terminations increased across all case types between FY09 and FY10. In particular, civil terminations increased by 27%, DR terminations increased by 3%, juvenile delinquency terminations increased by 5%, and criminal terminations increased by 1%. While civil cases experienced the greatest increase in filings between FY09 and FY10, they also experienced the greatest number of terminations during the same period. Since FY97, the greatest increase in terminations occurred among civil cases (49%) followed closely by criminal cases (45%).

Chart 2 Terminations by Case Type, FY97-FY10



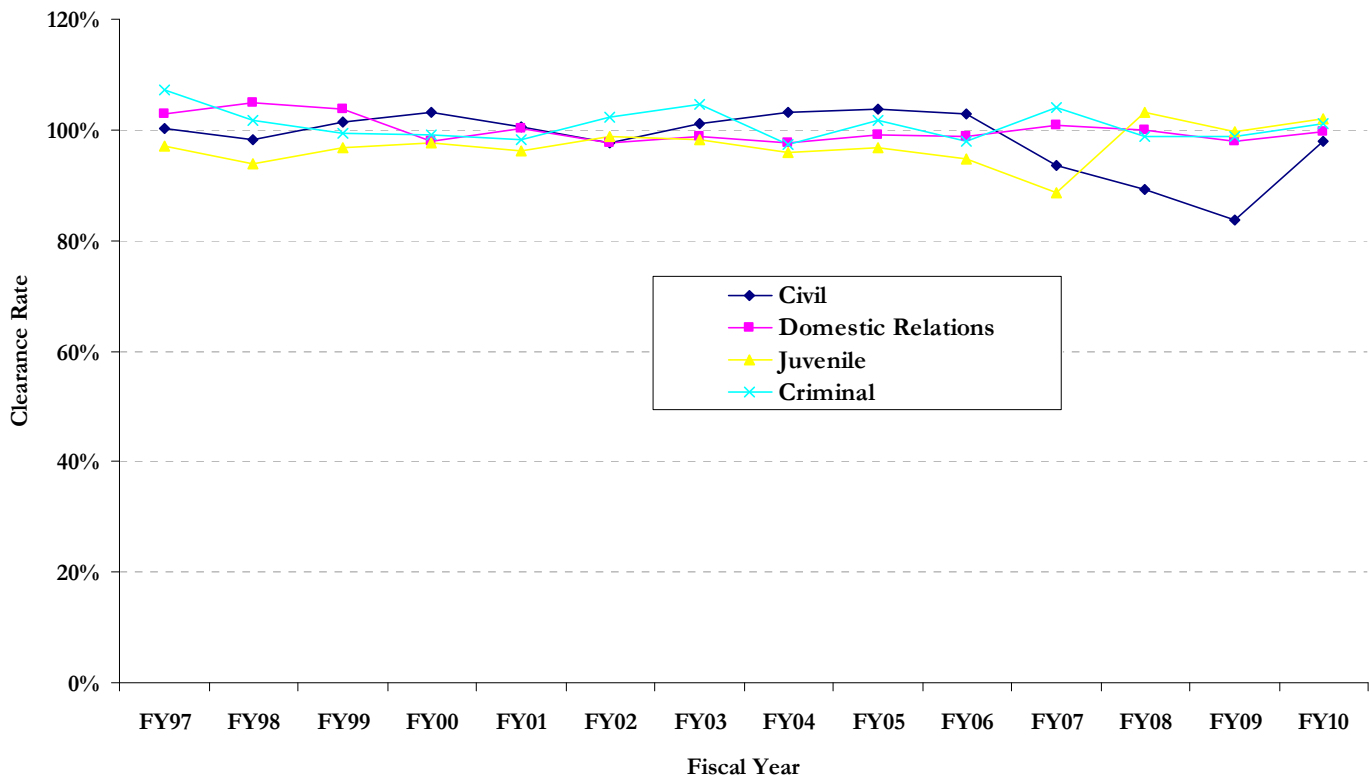
Source: PERFONEW

* Includes reopened filings and Register of Wills filings. Juvenile cases include the following case types: adoption, child in need of assistance, child in need of supervision, delinquency, guardianship, peace order, voluntary placement, and other unreported category. Juvenile data from FY1997 to FY2002 is from the Administrative Office of the Courts, Maryland Judiciary.

Case Clearance Rates, FY97– FY10

The clearance rate is one of the workload measures used to assess how efficiently a court is processing its cases. The clearance rate, which is calculated by dividing the number of case terminations that took place for a given period of time by the number of filings for the same time period, measures whether the court is keeping up with its incoming caseload or is unable to process efficiently the upcoming caseload, thus creating or increasing a backlog. At a minimum, courts should strive to dispose of as many cases as have been filed and reopened in a given period that is having a clearance rate of 100%. The FY10 overall clearance rate that combines original and reopened cases for the Montgomery County Circuit Court is 99%. The clearance rate for original cases is 99% while that for reopened cases is 100%. Between FY07 and FY09, the civil clearance rate ranged between 94% and 84%. In FY10, the civil clearance rate improved to 98%. So, despite continued increases in civil filings, the Court has been able to terminate not an equal amount but rather a larger amount of its civil caseload. The clearance rates for family, criminal, and juvenile cases are at or above 100% in FY10, which is an improvement over the FY09 clearance rates for these case types.

Chart 3 Clearance Rate by Case Type, FY97-FY10



Note: Clearance rates were calculated by using the data in PERFONEW.

* Includes reopened filings and Register of Wills filings. Juvenile cases include the following case types: adoption, child in need of assistance, child in need of supervision, delinquency, guardianship, peace order, voluntary placement, and other unreported category. Juvenile data from FY1997 to FY2002 is from the Administrative Office of the Courts, Maryland Judiciary.

Civil Case Terminations

Fiscal Year 2010 Case Terminations

A. Civil Case Processing Definitions and Summary

	Civil Case Time Definitions	Percent Within 18-month (548 days) Standard	Additional Montgomery County Measurements
Civil Case Standards and Montgomery County Measures	<p><u>Case Time Start:</u> Filing of case.</p> <p><u>Case Time Stop:</u> Disposition, dismissal or judgment.</p>	<p><u>State-Set Goal:</u> 98%</p> <p><u>Montgomery County:</u> CY 2001: 95% CY 2002: 94% CY 2003: 94% FY 2005: 96% FY 2006: 95% FY2007: 94% FY2008*: 95% FY2009: 96% FY2010: 96%</p>	<p><u>Filing to Service or Answer, whichever comes first:</u> CY 2001: 49 days CY 2002: 44 days CY 2003: 33 days FY 2005: 45 days FY 2006: 42 days FY 2007: 40 days FY2008: 41 days FY2009: 52 days FY2010: 43 days[†]</p> <p><u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 291 days CY 2003: 285 days FY 2005: 206 days FY 2006: 209 days FY 2007: 222 days FY2008: 213 days FY2009: 226 days FY2010: 241 days</p>
<p>Note: Civil case time is suspended for bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, and military leave.</p> <p>* FY08 is based on a sample of 509 civil cases.</p> <p>[†] The FY2010 figure was calculated by the Court Researchers using all civil terminations whereas CY2001-FY2009 figures were calculated by the Data Processing (DP) Department using a random sample of the civil termination population. Differences in the FY2010 figures compared to the previous years' figures may also exist because at the time of DP's calculation not all data quality changes were reflected in the Court's locked down data.</p>			

Overall Civil Case Terminations

Table A.1 displays the number of original civil case terminations, as well as case processing performance by termination status for Fiscal Years 2004-2010 (FY04-FY10).⁶ The number of civil cases with original terminations in FY10 is 10,079, which reflects a 30% increase over FY09 (N = 7,746). The number of original civil case terminations has increased steadily over the past 5 fiscal years resulting in an 82% increase in original civil terminations since FY06. The distribution of FY10 case processing times ranged from 1 day for those cases that were filed and closed on the same day (412 cases) to 2,086 days (1 case). In

⁶ Please note that for FY08 a random sample of civil case terminations was analyzed, and therefore, the total number of sampled cases is noted in Table A.1.

FY10, 96% of civil cases closed within the 18-month standard (N = 9,670), which mirrors the performance percentage achieved in FY09. The Court's ability to maintain its performance level at 96% is worthy of note given the increase in the civil filings and terminations since FY06. In particular, between FY06 and FY10, the Court experienced a 74% increase in civil filings of original and reopened cases. During the same time period, the number of original and reopened terminations also increased although at a smaller rate (66%).

The average case time (ACT) for all civil terminations increased by 15 days from 226 days in FY09 to 241 days in FY10, which is two days longer than the increase in ACT between FY08 and FY09 (see Table A.1). The increase in the overall ACT between FY09 and FY10 appears to be due to an increase in the within-standard ACT from 205 days to 222 days. The over-standard ACT continued to decrease between FY09 and FY10 by 17 days (from 716 to 699 days) following a marked decrease by 236 days that occurred between FY08 and FY09. Reductions in the over-standard ACT between FY08 and FY10 are attributable to data quality efforts undertaken by both the Office of the Clerk of the Court and Court Administration, as well as procedural changes implemented by the Court to manage its civil caseload. For example, in FY09, the Court created a Foreclosure Non-Compliance (FNC) notice to efficiently process the foreclosure caseload. This notice is sent to parties in a foreclosure case who have not filed all the requisite paperwork necessary to proceed with the case. The FNC notice was created to process foreclosure cases that appear to be lingering in the court system; that is, where gaps in filings exist because parties wait to file their paperwork until just before the 2-507 notice is to be issued resulting in an extension of case time. The Court also implemented a procedure to issue the notice of contemplated dismissal under amended Rule 14-207.1 in December 2010 to further reduce the time foreclosure case may lag in the system. The full impact of this measure on case processing performance is expected in FY11. In FY09, the statewide case time standards modified the suspension end date for the suggestion of bankruptcy suspension event. Prior to FY09, a docket entry for the discharge from the U.S. Bankruptcy Court was required in order to exclude case time associated with a bankruptcy suspension event. In FY09, courts were able to use the date the case was dismissed as the bankruptcy suspension end date even if a discharge from the U.S. Bankruptcy Court was not received. The justification for using the dismissed date as the suspension end date was due to courts often following Maryland Rule 2-507 for lack of prosecution when a discharge date was never received after a year from the last docket entry, which was the filing of the bankruptcy stay. Through being able to exclude the bankruptcy suspension time without a discharge date, noticeable reductions occurred in the ACT for over-standard civil cases.

Table A.1 Number of Civil Case Terminations FY04-FY10

Fiscal Year	Terminations		Within-Standard Terminations (18-month Standard)			Over-Standard Terminations (18-month Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978
FY08**	509**	213	485	95%	176	24	5%	952
FY09	7,746	226	7,425	96%	205	321	4%	716
FY10	10,079	241	9,670	96%	222	409	4%	699

* ACT = Average Case Time, in days.

** The full civil caseload for FY08 is 7,243. The 509 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

Between FY04 and FY07, the ACT for all civil terminations increased by 12% from 198 days to 222 days. This trend reversed between FY07 and FY08 when the overall ACT reduced by 9 days (4%) to 213 days. A declining trend did not continue between FY08 and FY09; in fact, during that period, the ACT for all

civil terminations increased to its highest level of 226 days since the reporting of civil case processing performance in FY04. The ACT continued to increase to 241 days in FY10. The increase in the ACT for FY10 civil terminations is driven by a 26% increase in the within-standard ACT between FY08 and FY10. One possible explanation for the increases in the within-standard ACT since FY08 is a modification made to the statewide civil case time standards. Specifically, the case stop date for civil foreclosure cases was changed to the ratification date of the final auditor's report as opposed to the final ratification of sale. In FY08, the Court analyzed the impact of this modification on case processing performance and found that the within-standard ACT increased by approximately 16 days. Another possible explanation for the increase in the within-standard ACT is the Court's increasing civil workload. According to the Court's workload statistics, between FY08 and FY10, civil filings increased by 22% and civil terminations increased by 34%.⁷ Similarly, the number of terminations included in the case processing analysis increased by 39% between FY08 and FY10.

Beginning in FY07, a key concern for a number of courts was the impact of increased foreclosure filings on case processing performance. Based on Montgomery County Circuit Court's workload statistics of original and reopened foreclosure filings, there was a 63% increase in foreclosure filings between FY06 and FY07. Foreclosure filings continued to increase by over 100% between FY07 and FY08 and less dramatically between FY08 and FY10 (i.e., FY08 to FY09: 15%; FY09 to FY10: 23%). With regard to the 10,079 civil terminations included in this analysis, the representation of foreclosure cases increased by 9 percentage points from 40% to 49% between FY08 and FY10. A supplemental analysis was performed to assess the Court's within-standard percentage and ACT without foreclosures. When excluding foreclosures, the within-standard percentage improves from 95.9% to 96.5% and the ACT for all civil terminations improves from 241 days to 191 days. This improved performance raises questions about the impact of foreclosures on case processing performance including: 1) how are foreclosures impacting the performance of other civil sub-types, 2) how has the volume of foreclosures impacted the processing efficiency of other civil sub-types, and 3) should foreclosures be part of the civil case processing analysis given limited judicial involvement. These questions along with comments raised in other Case Assessment Reports should be discussed by the Time Standards Sub-Committee.

Additional analyses were performed of foreclosure and non-foreclosure within- and over-standard terminations. Based on these analyses, it appears that within-standard foreclosure terminations have been taking longer to process over the past three years (FY08: 166 days to FY10: 275 days) while improvements have been made in the case processing time for over-standard foreclosure cases (FY08: 1,336 days to FY10: 679 days). In contrast, among within- and over-standard non-foreclosure cases the ACT decreased between FY08 and FY09 (within-standard non-foreclosure: 181 days to 164 days; over-standard non-foreclosure: 1,154 days to 724 days) and then increased from FY09 and FY10 among WST non-foreclosure cases only (within-standard non-foreclosure: 164 to 172 days; the over-standard non-foreclosure ACT remained stable at 724 days). One possible explanation for this pattern of results is that it is taking longer to process foreclosure cases (particularly those that close within 548-days), which is having an impact on the ability to close other civil (non-foreclosure) cases. The impact of the increased foreclosure workload on the processing of other civil (non-foreclosure) cases may have had a delayed impact explaining (in part) why increases in the ACT for within- and over-standard non-foreclosure civil cases were revealed between FY09 and FY10 as opposed to between FY08 and FY09. It is important to note that given civil cases are "expeditiously" processed within 18-months (i.e., a year and a half) any additional delay in processing caused by a backlog (for example) will reveal itself in later assessment years.

⁷ The workload statistics reported herein include original and reopened civil filings and terminations and Register of Wills filings and terminations. It is also important to note that the termination workload statistics differ from the civil terminations used to measure case processing performance in that the latter only includes original closures and certain civil sub-types are excluded from the performance analysis. For a complete list of civil sub-types excluded from the case processing analysis please refer to the FY10 caseload training manual for circuit courts, which is available from the Maryland Judiciary.

Another interesting observation regarding foreclosure case terminations is that between FY08 and FY10, the representation of foreclosure cases among over-standard civil cases more than doubled from 20% in FY08 to 56% in FY10 while that among within-standard cases slightly declined (from 97% to 95%). The increased presence of foreclosures among over-standard civil cases did not result in a higher ACT for over-standard cases. Between FY08 and FY10 the over-standard ACT decreased by 27% from 952 days to 699 days (see Table A.1). Because foreclosures are generally processed rather quickly compared to other non-foreclosure cases, an increased representation of foreclosure cases with a relatively short case time among over-standard cases may be in part responsible for the reduced over-standard ACT when compared against previous fiscal years.

The impact of foreclosures on the Court's civil case processing performance is complex, and their impact may differ across jurisdictions depending on variations in how such cases are processed. While statewide discussions should occur among key personnel including but not limited to Judges, Court Administrators, Clerks of the Court, and Differentiated Case Management (DCM) coordinators to better understand the impact of these cases on the civil workload, the Court needs to conduct its own in-depth analysis of civil terminations by examining the data in more detail and talking to Court personnel entrenched in the management of these cases.

Overall, between FY09 and FY10, civil case processing performance has been able to maintain its within-standard percentage at 96% and reduce the over-standard ACT despite a massive increase in the Court's civil caseload. The overall civil clearance rate, which compares the number of original and reopened terminations to filings, improved between FY09 and FY10 from 84% to 98% mainly due to the improvement in the original civil clearance rate from 80% to 97%⁸ between the two fiscal years. Despite the improvement made in the civil clearance rate, the Court continues to identify new strategies and modify its current practices to ensure that justice is administered in an efficient manner. The Court plans to conduct additional analyses that focus on case characteristics and case processing practices in an effort to identify efficiency gaps in case processing.

In order to better understand the processing performance of civil cases over time, it is important to examine a variety of civil case characteristics including but not limited to sub-type, track assignment, and the frequency of trial postponements. Chart A.1 displays the percentage distribution of civil case sub-types for FY10. The most representative sub-types for FY10 are: foreclosure (49%), contract (17%), and other law (14%). Similar results were obtained for FY09 wherein 37% of case sub-types were classified as foreclosures, 18% classified as other law, and 18% as contract.

⁸ The original civil clearance rate is calculated by dividing the total number of original terminations from Circuit Court, District Court, and Register of Wills.

Chart A.1 Distribution of Civil Case Sub-Types, FY10

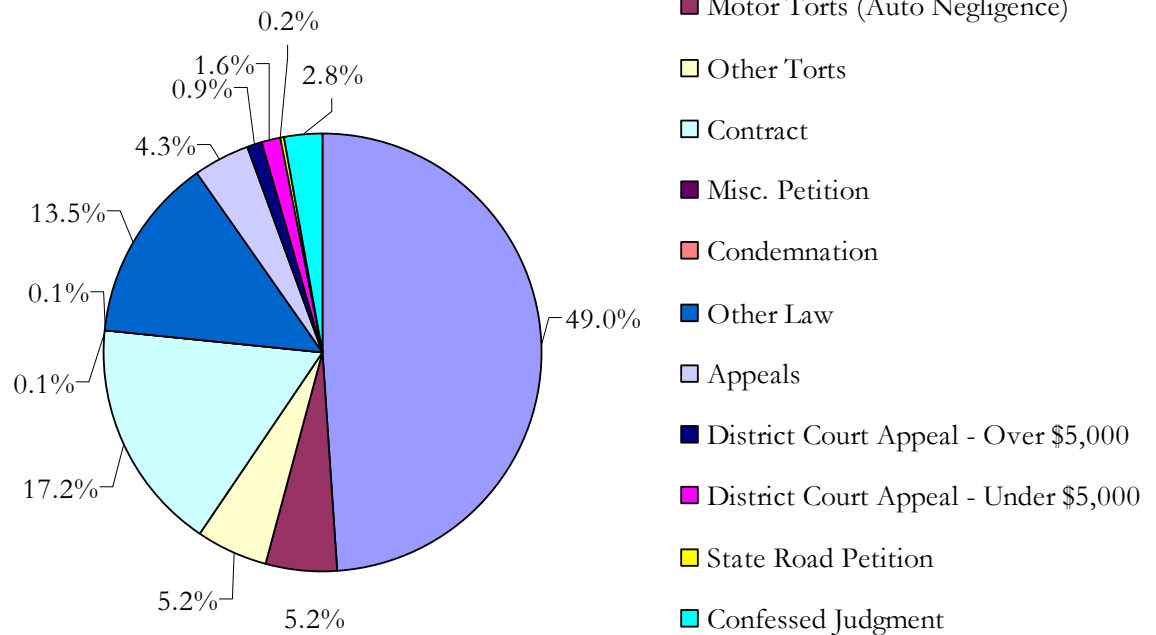


Table A.2 displays the distribution of civil sub-types by termination status for FY10. The table reveals that the three most represented case sub-types among over-standard civil cases are foreclosures (57%), contracts (15%) and other torts (15%). These are the same three sub-types that were over-represented among over-standard cases in FY09; however, in FY09 foreclosures were represented to a lesser extent (30%) and contracts and other torts to a greater extent (22% and 21%, respectively). It is understandable why foreclosures and contracts are two of the most frequently cited over-standard sub-types given that combined they represent approximately two-thirds of overall civil terminations (49% and 17%, respectively). However, when comparing the percentage of sub-types closing over-standard given their representation in the civil termination population, torts (motor and other) represent almost a quarter (23%) of the over-standard civil cases yet represent only 10% of the FY10 case terminations this is largely because of the over-representation of other torts among over-standard cases (Overall: 5% versus over-standard: 15%). The performance pattern among civil sub-types is similar to FY09; however, in FY09, contract cases were slightly more over-represented among over-standard civil cases given their representation among all civil terminations. Forty-four percent compared to 55% in FY09 of the civil sub-types met or exceeded the state goal of closing 98% of cases within the 548-day time standard. Of the five sub-types that failed to meet the goal (foreclosures, motor torts, other torts, contracts, and condemnation), the case processing performance of two, other torts and condemnations, are particularly far below the 98% goal at 88% and 90%, respectively. Given the relatively large number of case terminations with less-than-par performance, an investigation of how motor torts, other torts, and contracts are processed may be warranted to identify possible efficiency gaps in the Court's processing of these civil case sub-types. It may also be interesting to examine how the distribution of sub-types impacts case processing time and compliance with the DCM guidelines.

Table A.2 Distribution of Civil Case Sub-Types by Termination Status, FY10

Civil Case Sub-Type	All Cases		Within-Standard		Over-Standard		% of Over-Standard among All Cases
	N	%	N	% of WST*	N	% of OST*	
Foreclosures	4,938	49%	4,707	49%	231	57%	5%
Motor Torts (Auto Negligence)	526	5%	495	5%	31	8%	6%
Other Torts	521	5%	458	5%	63	15%	12%
Contracts	1,730	17%	1,669	17%	61	15%	4%
Misc. Petitions	7	<1%	7	<1%	---	---	---
Condemnation	10	<1%	9	<1%	1	<1%	10%
Other Law	1,362	14%	1,344	14%	18	4%	1%
Appeals	432	4%	430	4%	2	<1%	<1%
District Court Appeals - Over \$5,000	93	1%	93	1%	---	---	---
District Court Appeals - Under \$5,000	164	2%	163	2%	1	<1%	<1%
State Road Petition	18	<1%	18	<1%	---	---	---
Confessed Judgment	278	3%	277	3%	1	<1%	<0%
Total	10,079	100%	9,670	100%	409	100%	4%

* WST: within-standard; OST: over-standard

Table A.3 (see below) provides the distribution of case processing times among over-standard civil cases for FY07 through FY10. The distribution of over-standard case times among the 5th through 10th percentiles is pretty comparable between FY07 and FY10; however, at the 25th percentile, the case times between the FY07-FY08 and FY09-FY10 categories begin to diverge, and between the 75th through 95th percentiles the case times continue to diverge particularly in FY09 and FY10 (when compared to FY07 and FY08). In addition, the FY10 average case time (Mean = 699 days) is slightly shorter than the FY09 mean (716 days) and noticeably lower than the FY08 and FY07 means (952 and 978 days, respectively). The median case times follow the same pattern as the average case times where FY10 and FY09 median case time values (644 and 653 days, respectively) are noticeably below those for FY08 and FY07 (815 and 721 days, respectively). The maximum case time value in FY10 (2,086 days) is 119 days longer than the maximum value revealed in FY09 (1,967 days). However, the FY10 maximum case processing time is noticeably shorter than what was reached in FY07 and FY08 by at least 2,000 days. Long-term improvements in the maximum, mean, and median over-standard case processing times suggest that the Court has built upon the progress achieved in FY09 and continues to minimize the number of civil cases that languish or “fall through the cracks” in FY10. It is also possible that a FY09 change made in the civil time standards continued to reduce the number of extensively over-standard civil cases. This change considered a suspension event as valid if the suspension end date was missing but the next event following the suspension start date was a dismissal. The type of case that benefited most from this change was one where the defendant filed a suggestion of bankruptcy and the Court never received a discharge from the U.S. Bankruptcy Court resulting in a closure via Maryland Rule 2-507.

Of the 409 over-standard civil cases in FY10, approximately 25% closed within one month over the 548-day time standard (N = 104), and 75% closed approximately 7 months over the time standard (N = 308). Fourteen cases in FY10 have clock times greater than or equal to 1,000 days ranging from 1,026 days to 2,086 days. An additional review of these 14 cases was performed to ensure that the case was properly disposed. Based on the review, modifications were made to the docket entries of some cases. Several of these over-standard civil cases contained some kind of stay event such as stays pending settlement, resolution in another case, or further order of court. The length of the stay event may have negatively impacted case processing performance when measured against the time standards. For instance, in one case with a processing time of 1,823 days, the Court stayed the case from 1/27/2006 until 7/24/2009

(1,274 days) pending the conclusion of all appeals in another case or the final expiration of the applicable period for appeals whichever occurred first.⁹ It is important to note that a case may close over the civil 548-day time standard for a variety of reasons such as the presence of trial postponements, summonses being reissued multiple times, reissuance of scheduling orders, and deferrals of Maryland Rule 2-507. Interestingly enough, 29% of the civil cases with case processing times greater than or equal to 1,000 days had at least one postponement compared to 12% of the over-standard civil cases with processing times between 549 and 999 days. The average number of postponements among over-standard civil cases with processing times greater than or equal to 1,000 days is 2.75 compared to 1.16 among over-standard civil cases with processing times between 549 and 999 days. Through identifying the characteristics of over-standard cases, the Court is in a better position to determine what (if any) changes can be made to court policy and procedure to minimize unwanted delay.

Table A.3 Distribution of Over-Standard Civil Cases by Clock Time, FY10

Fiscal Year	N	Mean	Median	Percentile						Maximum
				5	10	25	75	90	95	
FY07	384	978	721	558	567	616	954	1,710	2,662	6,038
FY08*	24	952	815	558	565	612	986	1,255	3,438	4,158
FY09	321	716	653	553	560	584	767	931	1,100	1,967
FY10	409	699	644	554	561	584	760	864	970	2,086

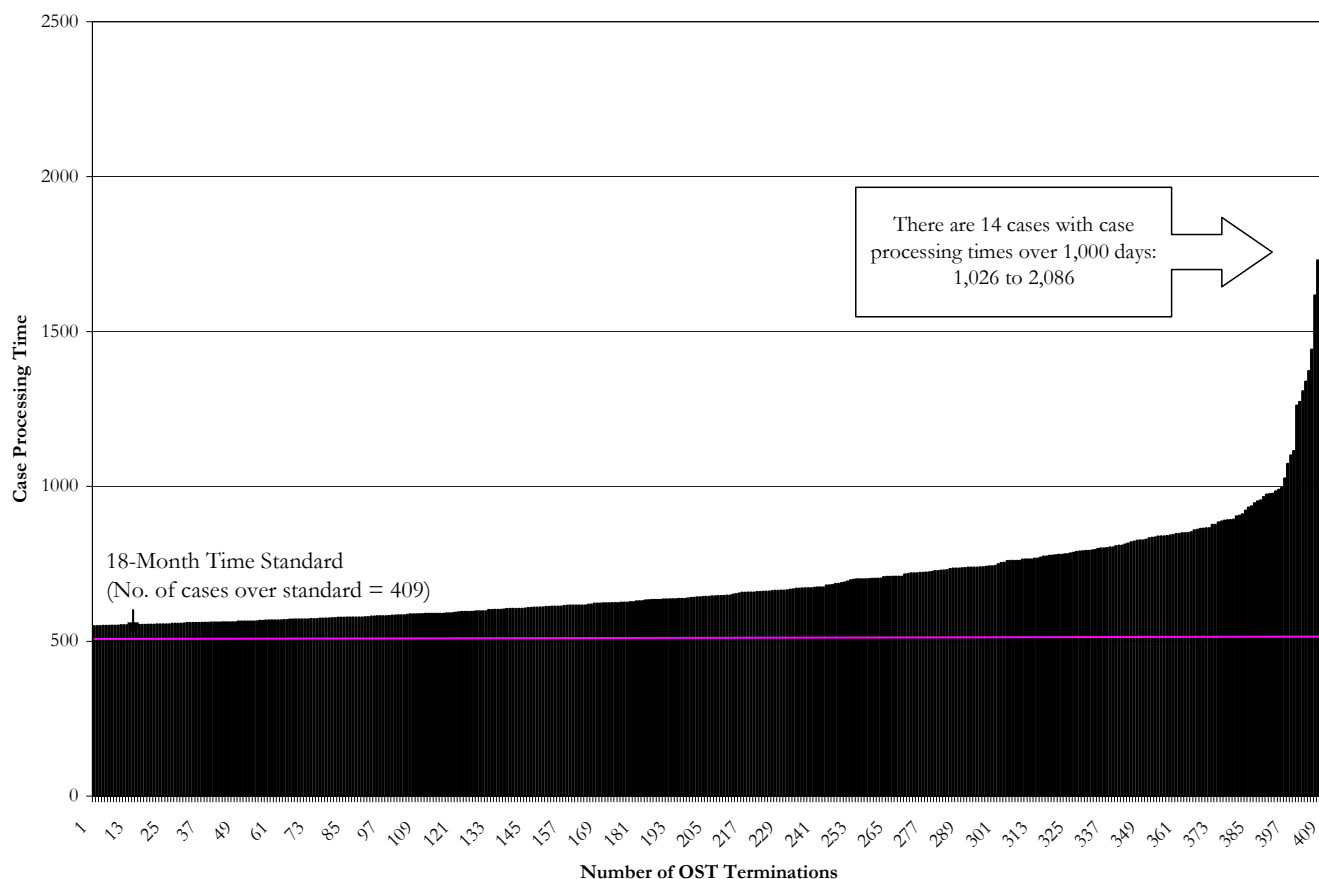


Figure A.1 Civil Case Terminations that are over the 18-month Standard, FY10

⁹ Civil case 255190V

Case Terminations by Track

Montgomery County Circuit Court's Differentiated Case Management (DCM) Plan¹⁰ established six tracks for civil cases. A brief description of each follows:

- Track 0: Legal cases with no discovery, or legal issues not requiring formal discovery. This track includes the following types of cases: District Court appeals, injunctions, mechanic's liens, restraining orders, administrative appeals, mandamus cases, declaratory relief, forfeiture (money or vehicles), landlord and tenant jury demands and appeals, and sale in lieu of partition (excluding divorce).
- Track 2: Expedited – ½ day to 1 day trial estimate. This track (primarily) includes the following types of cases: workers' compensation and civil jury demands from the District Court.
- Track 3: Routine – 1 to 3 day trial estimate. This track includes the following types of cases: auto negligence-personal injury and property damage, negligence-personal injury, property damage, and slip and fall, breach of agreement, breach of contract, negligent entrustment, violation of rights, defamation of character-negligence, wrongful discharge, etc.
- Track 4: Complex – 3 or more days trial estimate. This track includes the following types of cases: medical malpractice, legal malpractice, abuse cases, fraud cases, defamation of character, etc.
- Track 5: Expedited – business and technology immediate service.
- Track 6: Standard – business and technology standard.
- Track 7: Expedited - Advanced Science and Technology Adjudication Resource (ASTAR).
- Track 8: Standard - Advanced Science and Technology Adjudication Resource (ASTAR).
- Track N: Administratively tracked/non-litigation. For FY10, the majority of Track N civil cases consist of foreclosures (86%) followed by other law cases (9%).

Table A.4 displays case processing performance for within- and over-standard civil cases by DCM track. As the first section of the table shows, over 50% of the terminated cases were Non-Tracked cases. Tracks 0, 2, and 3 represented 11%, 18%, and 12% of the FY10 civil case terminations, respectively. The cases from these four tracks comprised approximately 98% of the FY10 civil terminations whereas Track 4 comprised only 1% of the case terminations. Further, cases assigned to Tracks 5, 6, and 8 constitute less than 1% of the civil terminations. The overall ACT for FY10 civil cases is 241 days, which is 15 days longer than the overall ACT for FY09 (226 days). Track 5 cases have the highest ACT at 440 days (654 days in FY09), followed by cases assigned to Tracks 4 and 8 (422 and 352 days, respectively). It is important to note that there were only 3 cases assigned to Track 5 and 1 case assigned to Track 8.

Of the cases constituting 98% of all the FY10 civil terminations (i.e., Tracks 0, 2, 3, and N), Tracks 0 and 2 cases met the state compliance rate of 98% case closures within-standard.¹¹ Track N almost met the state compliance standard with a within-standard percentage of 96%. The FY10 findings are similar to those

¹⁰ The track descriptions are based on the Civil DCM Plan (July 2003, 2nd edition); however, it is important to note that the Civil DCM Plan was revised in July 2010. There are minimal differences in the track descriptions between the July 2003 and July 2010 versions of the Civil DCM Plan.

¹¹ Cases assigned to Track 8 also met the 98% time standard goal; however, there is only one Track 8 case in the FY10 data that closed within-standard with a case processing time of 352 days.

achieved in FY09. Specifically, in FY09, cases assigned to Tracks 0 or 2 met the state-defined time standard goal whereas cases assigned to Track N approached the goal. In FY10, over half of the over-standard terminations were cases assigned to Track N (56%; FY09: 31%). For the past several fiscal years, Track 4 cases represent a small proportion of civil cases overall (1%) but have a fairly large representation among over-standard cases (11%). Similar to Track 4, cases assigned to Track 3 represent 12% of all civil terminations and 22% of the over-standard civil cases. Also, about one-third of cases assigned to Track 3 or Track 4 closed over-standard, which is more than what is experienced among cases assigned to other civil tracks.

Table A.4 FY10 Civil Case Terminations by Termination Status (Within or Over the 18-month Standard) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 0	1,123	11%	106	1,117	99%	12%	102	6	1%	1%	877
Track 2	1,834	18%	214	1,803	98%	19%	207	31	2%	8%	657
Track 3	1,189	12%	327	1,100	93%	11%	295	89	7%	22%	722
Track 4	141	1%	422	95	67%	1%	271	46	33%	11%	734
Track 5	3	<1%	440	2	67%	<1%	354	1	33%	<1%	612
Track 6	33	<1%	290	28	85%	<1%	179	5	16%	1%	911
Track 8	1	<1%	352	1	100%	<1%	352	0	0%	0%	---
Track N	5,755	57%	254	5,524	96%	57%	236	231	4%	56%	679
Total	10,079	100%	241	9,670	96%	100%	222	409	4%	100%	699

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

In FY10, 89% of the over-standard terminations consisted of cases assigned to Tracks 3, 4, or N, which is similar to the FY09 findings. One potential way to improve the efficiency of civil case processing for FY11 may be to focus on cases assigned to Tracks 3, 4, and N as these cases seem to have been of particular concern for the past three fiscal years. Revisions made to the Court's Civil DCM Plan that were implemented fully at the beginning of FY11 are anticipated to improve the processing of Tracks 3 and 4 cases. The majority of Track N cases are foreclosures, and the processing of such cases resides largely outside the Court's control. While Maryland Rule 2-507 allows courts to dismiss a case for lack of prosecution or jurisdiction, parties have up to 365-days and 120-days, respectively before filing the required paperwork to proceed with their case. As mentioned above, Montgomery County Circuit Court has instituted procedures to prompt parties to file the required paperwork as expeditiously as possible through the development of a Foreclosure Non-Compliance (FNC) notice. However, the Court has little control over how early the parties file their paperwork, which can have a detrimental impact on case processing. For instance, the Court's Quality Control Department reviewed 451 civil cases terminated in FY10, 435 (96%) of which closed over-standard, to better understand the termination status of these cases. Among the 435 over-standard civil cases that were reviewed, the primary explanation for the termination status was "gaps in filings" (221 cases, 51%), which translates to instances (usually in foreclosure cases) where the party will file a required document just before the Maryland Rule 2-507 notice is to be issued in order to extend the automatic process by another year. The Court will continue to monitor Track N cases to ensure compliance with the appropriate Maryland rules and statutes; however, with limited control over the management of these cases, performance as measured by case processing time will continue to be affected. It may be useful for courts to discuss whether opportunities exist to hold parties more accountable for filing paperwork in a timely manner.

If half of the over-standard cases assigned to Tracks N, 3, and 4 had actually closed within-standard, the Circuit Court would have approached the state-defined time standard goal of closing 98% of civil cases within-standard. As noted in the FY09 Case Processing Report, while most cases maintained their performance level across DCM Tracks between FY07 and FY09, Track 4 cases experienced a steady

decline in performance during this period. Seventy-three percent of Track 4 cases closed within-standard in FY07, 69% closed within-standard in FY08, and 65% closed within-standard in FY09. A slight improvement in the percentage of Track 4 cases that closed within-standard occurred between FY09 and FY10 from 65% to 67%, respectively. {Note: The total number of Track 4 civil cases declined between FY07 and FY10 by 25% from 189 in FY07 to 141 in FY10.} In general, improvements made in the processing performance of cases assigned to Tracks 3, 4, and N will contribute to an overall improvement in case processing efficiency. The observed improvement may partly be attributed to the changes that the Court instituted during FY10 including setting the trial date at scheduling in all Track 4 cases, not restarting the clock when the track of a case is changed, and adhering to the 2-507 rule regarding the original issuance of process, which includes not generating new scheduling orders when summonses are re-issued. The Court believes that all of these initiatives, along with the revised DCM plan that took effect for new cases filed at the beginning of FY11, should have a positive impact on future case processing performance.

The largest discrepancy in ACT between cases that terminated within-standard and those that terminated over-standard occurred within Track 0 cases. Overall, the ACT for Track 0 cases was 106 days. The vast majority (99%) of Track 0 cases closed within-standard, with an ACT of 102 days. The remaining 1% of Track 0 cases averaged 877 days, over 8 times as long as the within-standard ACT. The case processing times for the over-standard Track 0 cases range from 574 days to 2,086 days¹². With only 6 Track 0 cases closing over-standard, an extremely long case time such as 2,086 days will skew the calculation of the ACT, which is actually realized when comparing the over-standard ACT of 877 days to the over-standard median of 598 days. A Track 0 case with a processing time of 2,000 days, while a clear outlier, does raise questions about the composition of cases assigned to various DCM Tracks. Specifically, at face value, cases assigned to Track 0 may appear to be similar in regard to their complexity and level of case management; however, a closer examination of these tracked cases may present a different picture. If the Court is interested in examining performance by DCM Track, it becomes increasingly important to know whether the cases assigned to Track 0 have the characteristics assigned to Track 0 cases as outlined by the Civil DCM Plan. While a more comprehensive screening of track assignment has been in place since September 2010, the Court may need to conduct a review of its case assignment practices and procedures in light of the new DCM track definitions prior to an analysis of case processing performance by Track.

Case Terminations by Trial Postponements

As shown in Table A.5, 224 cases had trial postponements constituting only 2% of all the FY10 civil terminations, which is one percentage point lower than the 3% achieved for FY09. Of the cases with trial postponements, over three-fourths (77%) closed within-standard. In addition, Track 0 and N cases with trial postponements met the time standard goal of closing 98% of cases within 548-days. Similar to the past three fiscal years, slightly over half of the postponed Track 3 cases closed within-standard. Only 30% of Track 4 cases with postponements closed within-standard.

The average case time among over-standard civil cases without trial postponements in FY10 is lower than that for those cases with trial postponements (691 days and 748 days, respectively). This finding contrasts results obtained from previous fiscal years wherein the over-standard ACT for cases without postponements was higher than that for over-standard cases with postponements. The reversed trend is presumed to be due in part to the FY09 change in the case time standards mentioned previously that allowed courts to exclude case time when a case is missing the identified suspension end date but was closed via dismissal. When comparing track-level information, the over-standard ACT among cases without postponements assigned to Tracks 0 or 6 was higher than among over-standard cases with

¹² Civil case 248053-V was originally filed as an interpleader case with an additional charge of Declaratory Relief, and originally assigned to Track 0. It appears that even though this case had a three-day jury trial, the case continued to proceed as a Track 0 case, which is why the track wasn't changed to a more complex track.

postponements assigned to those same tracks. However, upon further analysis of these cases, which total no more than 9, the primary reason for the larger over-standard ACT among cases without postponements is that there are a few cases with a particularly long case time, skewing the average case time. Based on the median case time values, the over-standard civil cases without postponements assigned to Tracks 0 or 6 have a lower median case time than over-standard civil cases with postponements. That said, the majority of over-standard Track 0 and Track 6 cases did not have postponements (83% and 80%, respectively) indicating that at least for this small set of over-standard cases trial postponements are not the primary reason for delay.

Table A.5 FY10 Civil Case Terminations by Trial Postponements, Termination Status (Within or Over the 18-month Standard), and Track

<u>With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	1,123	62	6%	157	61	98%	146	1	2%	828
Track 2	1,834	75	4%	399	69	92%	373	6	8%	698
Track 3	1,189	64	5%	600	34	53%	484	30	47%	733
Track 4	141	20	14%	673	6	30%	408	14	70%	787
Track 5	3	0	0%	---	0	---	---	0	---	---
Track 6	33	1	3%	865	0	---	---	1	100%	865
Track 8	1	0	0%	---	0	---	---	0	---	---
Track N	5,755	2	<1%	181	2	100%	181	0	---	---
Total	10,079	224	2%	414	172	77%	313	52	23%	748

Table A.5 FY10 Civil Case Terminations by Trial Postponements, Termination Status (Within or Over the 18-month Standard), and Track

<u>Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	1,123	1,061	94%	104	1,056	>99%	100	5	<1%	886
Track 2	1,834	1,759	96%	207	1,734	99%	200	25	1%	647
Track 3	1,189	1,125	95%	311	1,066	95%	289	59	5%	716
Track 4	141	121	86%	380	89	74%	261	32	26%	711
Track 5	3	3	100%	440	2	67%	354	1	33%	612
Track 6	33	32	97%	272	28	88%	179	4	13%	922
Track 8	1	1	100%	352	1	100%	352	0	0%	---
Track N	5,755	5,753	>99%	254	5,522	96%	236	231	4%	679
Total	10,079	9,855	98%	237	9,498	96%	220	357	4%	691

* ACT = Average case time, in days.

As noted in previous years' case assessment reports, the relationship between trial postponements and termination status is complicated. Table A.5 shows that over three-fourths of civil cases with trial postponements closed within-standard. Among over-standard cases that had trial postponements, 85% were from Track 3 or Track 4. It is important to note that overall, there were very few over-standard civil cases with trial postponements in FY10 (approximately 13% of all over-standard civil cases). Trial postponements did not entirely explain why Track 3 and Track 4 cases were more likely to close over-standard. Five percent of Track 3 cases and 26% of Track 4 cases that were not postponed still closed over the 548-day time standard. The percentage of cases without trial postponements in Tracks 0, 2, and

N that closed over-standard ranged from less than 1% to 4%.¹³ Possible reasons for cases to close over-standard in the absence of trial postponements include: summonses being reissued, reissuing of scheduling orders, restarting the clock when the track of case is changed, deferrals of 2-507 Notices, and stay events not defined as suspended time by the statewide case time standards. A number of these possible reasons have been addressed by the Court through policy initiatives implemented as part of the revised Civil DCM. The full impact of these initiatives is expected to be realized in future performance assessments.

Case Terminations by the Number of and Reasons for Trial Postponements

Among FY10 civil cases with trial postponements, 86% (FY09: 87%) have only one, 11% (FY09: 11%) have two, and approximately 3% (FY09: 3%) have three or more postponements (see Table A.6). Sixty-nine percent of over-standard civil case terminations that have trial postponements are postponed only once. Similar to previous fiscal years, as the number of trial postponements increases from 1 to 2 in FY10 so too does the percentage of cases closing over-standard from 19% to 44% (results not displayed in Table A.6).

Table A.6 Postponed Civil Cases by the Number of Trial Postponements and Termination Status, FY07-10

Number of Postponements	All Cases					Within-Standard Cases					Over-Standard Cases				
	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07
	N	%	%	%	%	N	%	%	%	%	N	%	%	%	%
1	192	86%	87%	71%	79%	156	91%	91%	77%	87%	36	69%	77%	50%	58%
2	25	11%	11%	24%	14%	14	8%	8%	15%	12%	11	21%	20%	50%	18%
3	3	1%	1%	6%	7%	0	---	1%	8%	1%	3	6%	2%	0%	22%
4+	4	2%	<1%	0%	< 1%	2	1%	---	0%	0%	2	4%	2%	0%	2%
Total	224	100%	100%	100%	100%	172	100%	100%	100%	100%	52	100%	100%	100%	100%
% Postponed			3%	3%	3%			2%	3%	3%			17%	17%	16%

Note: Percentages do not always add to 100% due to rounding; * FY08 figures are based on a sample of 509 civil cases.

Table A.7 (see below) provides the distribution of 267 trial postponement reasons for the 224 cases that were postponed at least once and the 75 reasons for the subset of 52 cases with trial postponements that closed over-standard. The most frequently cited trial postponement reasons among all civil cases as well as for most over-standard civil cases with trial postponements include: “Calendar Conflicts – Party Needs To Get Affairs in Order” (24% all cases; 19% over-standard cases); “Illness, Medical Emergency Or Death” (19% all cases; 33% over-standard cases), and “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (14% all cases, 11% over-standard cases). The trial postponement reason “Complaint or Consolidation Pending/Compliant Not at Issue or Ripe” is also frequently cited as a postponement reason for over-standard civil cases; however, not as much among all postponed civil cases. As a good practice it appears that the Court needs to assess whether MD Rule 2-508 related to “continuance” is being rigorously applied.

¹³ Given the small number of over-standard Track 5 and Track 6 cases without trial postponements (N = 1 and N = 4, respectively), caution should be exercised when drawing conclusions from the postponement analysis of these cases.

Table A.7 Reasons for Trial Postponements by Termination Status for Civil Cases, FY10

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% Over-Standard/All Cases
		N	(%)	N	(%)	
1	Calendar Conflict – Party Needs to Get Affairs in Order	65	24%	14	19%	22%
2	Illness/Medical Emergency or Death	51	19%	25	33%	49%
3	Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	37	14%	8	11%	22%
4	Vacation Plans/Religious Reasons	14	5%	1	1%	7%
5	Witness Unavailable – New Witness Identified	20	7%	2	3%	10%
6	New Complaint, Petition, 3rd Party Complaint, or Consolidation					
	Pending/Complaint Not at Issue or Ripe	14	5%	10	13%	71%
7	Case Not Reached or Was on the To-Be-Assigned Docket and Not Reached	4	1%	0	---	0%
8	New Counsel Sought or Has Entered their Appearance or Not Appointed	13	5%	4	5%	31%
9	Settlement, Plea or Reconciliation in Progress	22	8%	4	5%	18%
10	Judge Unable to Reach Court Event (e.g., Illness, Scheduling Conflict)	5	2%	1	1%	20%
11	Increase/Decrease Court Time/Track Change/to Trail Behind Another Case	7	3%	4	5%	57%
12	Party(s) Did Not Receive Notice Of Court Date	7	3%	1	1%	14%
13	Pending Motions to Be Heard or Ruled on	6	2%	0	---	0%
14	Weather/Court Emergencies/Administrative Court Closure	2	1%	1	1%	50%
	Total	267	100%	75	100%	28%

Note: Percentages do not always add to 100% due to rounding.

Summary of Civil Findings

- A total of 10,079 civil cases had original terminations in FY10 with an average case time (ACT) of 241 days. Ninety-six percent of civil cases closed within the 18-month time standard (548 days). The ACT among within-standard cases was 222 days compared to 699 days for over-standard cases.
- Since FY04, the Circuit Court has consistently closed over 90% of its civil cases within-standard. However, despite this level of stability in processing performance, the Court has yet to meet the within-standard goal of 98% set by the state.
- Civil cases from Tracks 0, 2, 3, and N comprised 98% of all the FY10 civil case terminations. Cases assigned to Tracks 0 and 2 met the state compliance rate of closing 98% of cases within 548-days.
- Similar to the past five fiscal years, Track 3 cases in FY10 carry a large percentage of over-standard cases (i.e., 22%) given that they constitute 12% of the civil terminations overall. One-third of the over-standard terminations are civil cases assigned to Tracks 3 or 4. One percent of cases are assigned to Track 4 yet 11% of these tracked cases are found among the over-standard civil terminations.
- In terms of civil case sub-types, improving the case processing performance of torts (motor torts and other torts), which are over-represented among over-standard cases, appears to be worthwhile. For FY10, torts represented about 10% of the civil sub-types yet constituted about 23% of over-standard cases. The Court may also want to review its processing of foreclosure cases for improvement. Given the number of foreclosure filings, the complexity of the cases relative to other civil cases, and case

processing performance, which is below the target level, slight improvements in foreclosure case processing performance may significantly impact the overall performance of civil case processing.

- Of the 10,079 civil cases with original terminations in FY10, 224 (2%) had trial postponements, which is one percentage point lower than the 3% achieved for FY09. Of the cases with trial postponements, over three-fourths (77%) closed within-standard. Almost half of the cases assigned to Track 3 and over half of the cases assigned to Track 4 with at least one postponement closed over-standard the 548-day time standard.
- Among FY10 civil cases with trial postponements, 86% (FY09: 87%) have only one, 11% (FY09: 11%) have two, and approximately 3% (FY09: 2%) have three or more postponements.

Recommendations for Future Civil Analyses

- Montgomery County Circuit Court plans to conduct several additional analyses that examine case processing against the Court's DCM guidelines. As a baseline, an analysis will be performed that assesses the extent to which cases reach trial by the defined DCM guidelines. Future analyses will be performed by examining the extent to which cases resolve at scheduling, pre-trial, and other key events occurring prior to trial. Through these analyses, the Court can identify the stage of case where timely resolution may be at risk. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to reverse a declining trend. The analysis may also help the Court develop benchmarks for the percentage of cases that should be resolved at each stage or each key court event.
- Examine whether certain civil sub-types consistently close within-/over-standard and, if so, examine whether there are efficiency gaps across sub-types. It also may be useful to examine those civil sub-types that represent a small percentage of the civil caseload but a larger percentage of over-standard terminations (i.e., torts). As a way to increase transparency and accountability it may be beneficial to provide patrons at the front counter or on the court's website with the average and median case processing time for all (or popular) civil sub-types.
- Explore the characteristics of the cases assigned to DCM tracks. If the Court is to examine case processing performance by DCM Track it is important to understand how well the cases assigned to each track align with the Court's DCM Track definitions. To the extent that there is misalignment, using track characteristics (such as case complexity) to explain processing performance may result in an inaccurate interpretation of the findings especially if the cases assigned to a particular track do not match the track definitions.

Recommendations to the Circuit Court Time Standards Sub-Committee

- Questions have been raised about whether other suspension events, which render a case inactive, should be included in the Caseflow Time Standards. For example, it is recommended that time is suspended when a case cannot proceed because it is waiting for a decision from the: Federal Court, Attorney General's Office, another jurisdiction, or the Court of Special Appeals (in another case). It is also recommended that case time be suspended in a case where a party has been placed in receivership pending an order of rehabilitation (similar to the bankruptcy suspension). The Time Standards Sub-Committee should commission a supplemental analysis to the statewide caseflow report, which examines: 1) the frequency/type of select "stay events" statewide, 2) the amount of time associated with these select stay events, and 3) the impact that the time associated with these stay events has on case terminations status.
- The Maryland Judiciary should organize a statewide discussion on the impact of foreclosure filings on case processing performance. In particular, building upon the statewide analysis of foreclosure and non-foreclosure case processing performance, jurisdictions should be provided an opportunity to discuss the strategies employed to track these cases and minimize their impact on the processing of other cases. Based on preliminary commentary provided by courts across the state, civil case

processing performance has been impacted by changes in the composition of civil case terminations (as it relates to case sub-types). For some courts, the impacts have been negative while others have experienced improvements or no-changes in performance. It may be useful for courts to have the opportunity to share how they've adapted (or not) to the surge in filings. An additional analysis is the impact of the foreclosure legislation enacted in September 2008 that extended the foreclosure period from 15 to 150 days on foreclosure filings and courts' foreclosure caseload. The State may also be able to take this opportunity to provide some initial analysis of the status of foreclosure mediations, and how such mediations are impacting the processing of foreclosures.

- Aligning suspension time with the active/inactive status of a case is requested to accurately measure case processing time. Currently, discrepancies exist regarding when suspension time is subtracted from case processing time. Montgomery County Circuit Court only excludes suspension time when the case goes 'inactive' as a result of one of the caseload-defined suspension events. In contrast, other courts subtract suspension time irrespective of the status (i.e., active or inactive) of the case. It is requested that the Time Standards Sub-Committee review this issue as a means to standardize the way suspension time is subtracted from the calculation of case time across all courts statewide. Further, it is recommended that the definitions of case status should be standardized across courts and align with the case time standards.

Criminal Case Terminations

Fiscal Year 2010 Case Terminations

B. Criminal Case Processing Definitions and Summary

	Criminal Case Time Definitions	Statewide Measurements	Additional Montgomery County Measurements
Criminal Case Flow Assessment Standard and Montgomery County Measures	<u>Case Time Start:</u> First appearance of defendant or entry of appearance by counsel <u>Case Time Stop†:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2010: Verdict (Plea/Verdict, Stet, NP, Reverse Waiver Granted, NCR finding)	Percent Within 6-month (180 days) Standard <u>State-Set Goal:</u> 98% CY 2001: 96% CY 2002: 91% CY 2003: 90% FY 2005: 90% FY 2006: 90% FY 2007: 89% FY 2008*: 86% FY 2009†: 96% FY 2010†: 95% <u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 89 days CY 2003: 89 days FY 2005: 86 days FY 2006: 84 days FY 2007: 92 days FY 2008*: 94 days FY 2009†: 77 days FY 2010†: 80 days	<u>Arrest/Service to Filing:</u> CY 2001: 121 days CY 2002: 138 days CY 2003: 124 days FY 2005: 125 days FY 2006: 121 days FY 2007: 112 days FY 2008*: 116 days FY 2009†: 104 days FY 2010†: 117 days§
			<u>Filing to First Appearance:</u> CY 2001: 12 days CY 2002: 18 days CY 2003: 15 days FY 2005: 19 days FY 2006: 18 days FY 2007: 15 days FY 2008*: 17 days FY 2009†: 13 days FY 2010†: 12 days
			<u>Verdict to Sentence:</u> CY 2001: 24 days CY 2002: 46 days CY 2003: 51 days FY 2005: 108 days FY 2006: 88 days FY 2007: 97 days FY 2008*: 75 days FY 2009†: 99 days FY 2010†: 18 days§
Note: Criminal case time is suspended for failure to appear/bench warrant, mistrial, NCR evaluation, competency evaluation, petition for reverse waiver, interlocutory appeal, military leave, pre-trial sentencing treatment, psychological evaluation, and DNA/Forensic testing.			
* FY08 results are based on a sample of 505 criminal cases.			
† Because of the change in the Criminal Time Standard in 2009, the case time was measured from the first appearance to verdict rather than disposition for the FY09 and FY10 Assessments. Additional Montgomery County measures for CY2001-FY2009 are calculated by Data Processing based on a sample.			
§ Arrest/Service to Filing: Based on the FY10 data (n=2,430), excluding 179 cases (6 cases with a missing arrest date and 173 cases with an arrest date later than the filing date)			
§ Verdict to Sentence: Based on the FY10 data (n=1,942), excluding 665 cases that are missing a sentencing date. Also, in FY10, no suspension time was taken from the calculation of the time from verdict to sentence.			

Overall Criminal Case Terminations

A total of 2,607 original criminal cases were terminated during Fiscal Year 2010 (FY10). The FY10 figure is 120 cases more (5%) than the FY09 level. The increased case terminations may be partly due to a modification in the data collection process instituted for FY10 where all cases that reached verdict during FY10, regardless of whether or not the case reached sentencing during the fiscal year were included in the data in addition to cases that were dismissed, nolle prossed, found criminally responsible or otherwise disposed (similar to previous fiscal years). Table B.1 summarizes the Court's criminal case processing performance for FY04 through FY10. For FY09, the Criminal Time Standard was modified to measure the case time from the first appearance to verdict instead of sentencing, and this change is the primary reason for the improved case processing performance for FY10, as well as for FY09; the percent of cases closed within the 6-month standard was 95% for FY10 and 96% for FY09. When the old case time standard was applied to the FY09 and FY10 data, 88% and 86% of the cases were terminated within the standard, respectively, which is equivalent to the FY07-FY08 levels. However, it is also important to note that the composition of criminal cases that reached sentencing has changed in FY08, FY09, and FY10. In fact, the number of case terminations used to calculate the average case time (ACT) and the within-standard percentage under the old time standard is substantially smaller (2,268 cases) in FY10 than for previous years. This is because those cases that had a verdict prior to FY10 but had sentencing in FY10 were excluded from the population of criminal terminations in FY10.

The overall ACT in FY10 was 80 days based on the new standard and 93 days based on the old standard. The ACT among the within-standard cases was 71 days for FY10 (new standard), which for the first time exceeds 70 days since FY04. The ACT for over-standard case terminations reduced to 263 days (245 days according to the old standard). Interestingly, under the old time standard, the over-standard ACT reduced between FY09 and FY10 without any case time suspensions taken between verdict and sentencing. Under the new time standard, the FY10 overall and within-standard ACT increased whereas the over-standard ACT declined from the FY09 level. We speculate that these changes between the two fiscal years and apparent inconsistency between the two measures derived from the change in data collection procedures that excluded a certain group of cases in the FY10 data that would have been included under the original data collection method. The FY10 case processing performance, when measured against the old time standard, is 86%, which is the same as the FY08 level and is at the lowest performance level since FY04.

Table B.1 Number of Criminal Case Terminations, FY04-FY10

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Measured based on the old time standard with the case stop date on sentencing (or case status = closed)								
FY04	2,035	94	1,852	91%	63	183	9%	402
FY05	2,383	86	2,155	90%	65	228	10%	286
FY06	2,481	84	2,239	90%	65	242	10%	260
FY07	2,485	92	2,205	89%	66	280	11%	295
FY08**	(505)	95	(435)	86%	69	(70)	14%	254
FY09†	2,487	93	2,191	88%	69	286	12%	279
FY10‡	2,570	93	2,213	86%	69	357	14%	245
Measured based on the new time standard with a new case stop date on verdict								
FY09†	2,487	77	2,372	96%	68	106	4%	270
FY10†	2,607	80	2,486	95%	71	121	5%	263

Maryland criminal case time standard and goal: 6 months (180 days) and 98% within-standard terminations

* ACT = average case time, in days.

** The full criminal caseload for FY08 was 2,613. The 505 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

† The FY09 and FY10 case processing performance was measured based on the new time standard with a new case stop date on verdict.

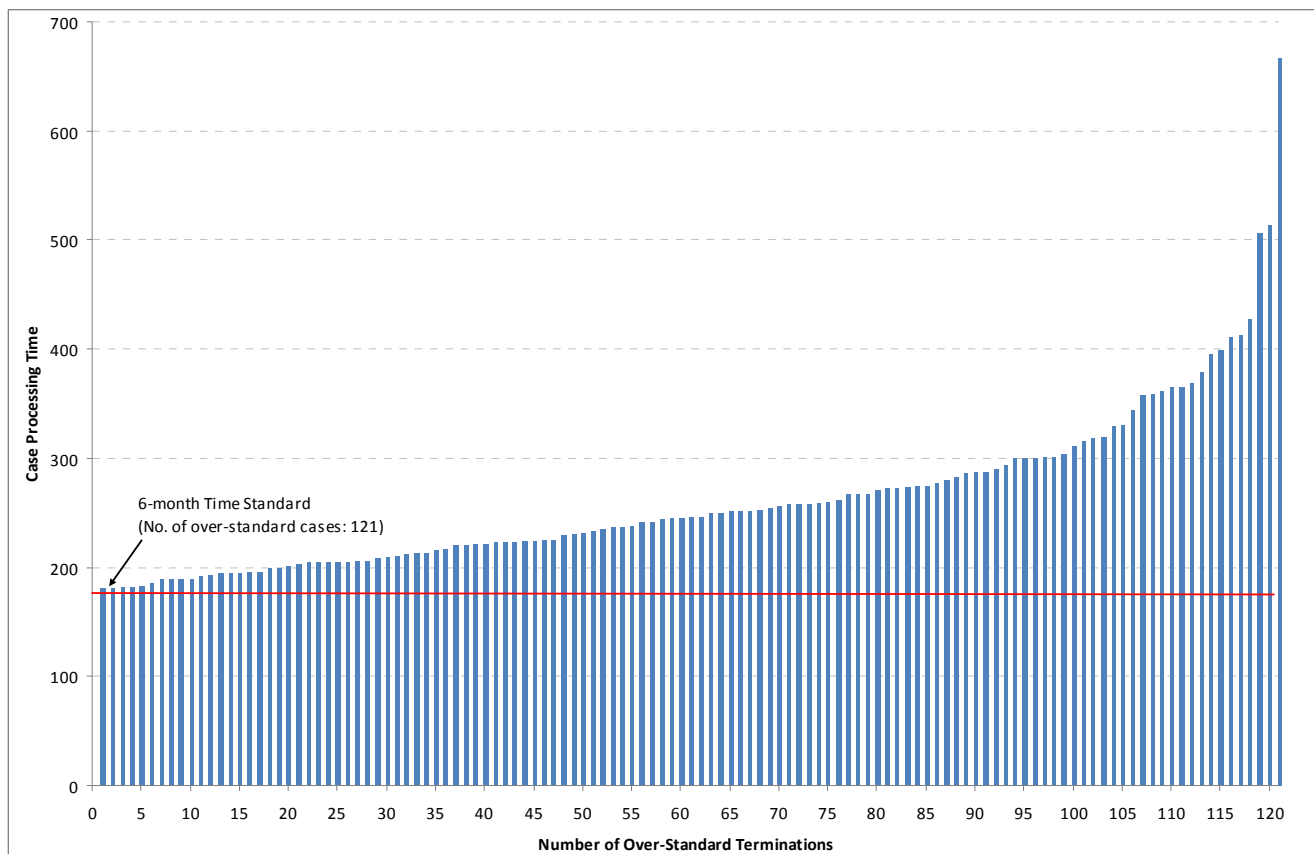
‡ The FY09 and FY10 results based on the old case time standard (preliminary).

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time and Track, FY07-FY10

Fiscal Year	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY07	280	295	227	183	187	197	291	362	473	6,728
FY08*	70	254	224	182	187	200	265	390	448	514
FY09	106	270	238	184	187	203	295	376	526	656
FY10	121	263	247	186	193	211	287	362	399	667

*FY08 figures are based on a sample of 505 criminal cases.

Table B.2 and Figure B.1 present the distribution of over-standard cases. The FY10 figures for 5th, 10th, and 25th percentiles and the median were worse than that of any previous years whereas its 75th, 90th and 95th percentiles were better than the FY09 figures for which the same time standard was applied. The observed shortened case time among higher percentile cases may be due to efforts undertaken by the Court to clean-up the criminal dockets as well as a change in the composition of criminal cases. Additional investigation is needed to identify the sources of the improved performance. Similarly, the lack of cases with an extremely long case time (such as the one observed in FY07) since FY08 may indicate that the Court may have minimized the number of cases languishing in the system; however, for FY09 and FY10 this may be due to the time standard change that now allows courts to take time for suspensions without valid suspension-end events in cases that were nolle prossed, as well as the change in the time standard and associated change in data collection (for FY10). As shown in Figure 1, there is a disjuncture in the distribution of 121 over-standard cases above the 95th percentile where the case time jumps from the upper 400s to upper 500s. Regarding the other end of the spectrum of over-standard cases, a handful of the FY10 over-standard cases still closed a couple of days past the 6-month time standard. As part of improving the criminal case processing performance, it may be worthwhile for the Court to investigate these cases, identify factors that led to their over-standard terminations, and develop strategies to prevent similar cases from closing over-standard.

**Figure B.1 Criminal Case Terminations that are over the 6-month standard, FY10**

Case Terminations by Track

Montgomery County Circuit Court's Differentiated Case Management (DCM) Plan currently has 5 tracks for criminal cases¹⁴:

Track 0: Information little or no discovery (N=64)

Track 1: District Court jury demands and appeals (N=1,136)

Track 2: Routine, defendant locally incarcerated (N=375)

Track 3: Routine, defendant on bond/writ status (N=668)

Track 4: Complex (N=364)

Table B.3 presents the breakdown of the FY10 criminal case terminations by the criminal DCM track and track-specific case-processing performance measures (ACT for within- and over-standard terminations and the percent of cases closed within-standard). As the first section of the table shows, 44% of the terminated cases for FY10 were from Track 1, 26% from Track 3, 14% from Track 2, and 14% from Track 4. The percentage distribution by Track for FY10 is comparable to that in FY07-FY09 where about 85% of all the criminal terminations are made up of Track 1, 2, and 3 cases. Interestingly, the percentage of Track 4 cases among criminal terminations has increased by 8 percentage points between FY07 and FY10 and 2 percentage points between FY08, FY09 and FY10. This change in the composition of criminal terminations to include slightly more complex tracked cases may explain (in part) why the Court experienced a slight decline in performance as measured by the percentage of cases closing within-standard between FY09 and FY10.

Table B.3 FY10 Criminal Case Terminations by Termination Status (Within or Over the 6-month Standard) and Track

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
Track 0	64	2%	70	63	3%	98%	68	1	1%	2%	190
Track 1	1,136	44%	34	1,132	46%	>99%	33	4	3%	<1%	295
Track 2	375	14%	110	354	14%	94%	101	21	17%	6%	272
Track 3	668	26%	106	640	26%	96%	99	28	23%	4%	254
Track 4	364	14%	148	297	12%	82%	122	67	55%	18%	263
Total	2,607	100%	80	2,486	100%	95%	71	121	100%	5%	263

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding

In FY08, 73% of the over-standard cases were cases in Track 3 (37%) or Track 4 (36%), and another 19% were in Track 2. In FY09, 90% of over-standard cases were from Track 3 (33%) and Track 4 (57%), and only 7% of the over-standard cases were found in Track 2. In FY10, less than 80% of over-standard cases were found in Track 3 (23%) and Track 4 (55%) combined; instead 17% of over-standard cases were Track 2 cases in FY10. Since the distribution of criminal cases by track or the Court's Track-specific criminal case processing practices did not change substantially over the past 3 years, it appears that the change in the criminal case time standard between FY08 and FY09 (changing the case stop from

¹⁴ The track descriptions are based on the Criminal DCM Plan (July 2003, 2nd edition); however, it is important to note that the Criminal DCM Plan was revised in July 2010. There are minimal differences in the track descriptions between the July 2003 and July 2010 versions of the Criminal DCM Plan.

sentencing to verdict) resulted in an increased representation of more complex cases, which are likely to take more time to reach a verdict than less complex cases and result in an over-standard termination. However, the subsequent change in the data collection process between FY09 and FY10 may have somewhat reversed that trend. Regardless, it is clear that the Court's performance in processing Track 4 cases now has more impact on the overall criminal case processing performance than it did in the past.

Despite the change in the case time standard, the ACT for over-standard Tracks 3 and 4 cases slightly deteriorated between FY08 and FY09. For FY10, Track 4 cases improved with an over-standard ACT of 263 days, compared to 301 days for FY09; Track 3 cases have an over-standard ACT of 254 days in FY10, compared to 238 days for FY09. More worrisome is the increased representation of Track 2 cases in over-standard cases. In FY09, 7 (7%) of 106 over-standard cases were Track 2 with ACT of 199; in FY10, 21 (17%) of 121 over-standard cases were Track 2 with ACT of 272 days, greater than that of Track 3 or Track 4 over-standard cases. This is because 2 cases with the longest case time (667 days and 514 days) are Track 2 cases, skewing the ACT of over-standard cases of that Track. Presence of such cases in Track 2 also suggests that Track assignment doesn't always align with Track definitions; there may be cases originally assigned to Track 2 that should have been reassigned to another Track given case complexity. If reassignment had occurred, the requisite resources and management could have been afforded to that case and efficiency gaps may have been minimized.

Of the 5 DCM Track-specific cases, those in Tracks 0, 1, and 2 met the state compliance rate of 98% of cases closing within-standard while those in Tracks 3 and 4 failed to meet the 98% goal in FY09. However, in FY10, only 94% of Track 2 cases met the 180-day time standard. In the past, Tracks 0, 1, and 2 cases were considered safety valves virtually guaranteeing an improved within-standard percentage against Track 4 cases, more than half of which normally resulted in over-standard case terminations. However, this may not be the case any more since the case processing performance of Track 2 cases appears to have faltered (a 94% within-standard percent). In addition, since any increase in Track 3 and 4 cases would have inevitably resulted in an increase in the number of over-standard terminations, the Court may also need to re-evaluate its current processing practices of Tracks 3 and 4 cases, in particular that of Track 4, and to devise plans to dispose the cases within the 180-day time standard. The Court recently modified its Criminal DCM Plan and new procedures in support of that Plan were implemented at the beginning of FY11. It is anticipated that the revisions made to the Plan will improve criminal case processing significantly.

Case Sub-type Terminations by the Number of and Reasons for Trial Postponements

Table B.3b presents the breakdown of criminal cases by case sub-type and termination status for FY10. Two major sub-types are Circuit Court indictments (1,070 cases, 41%) and District Court appeals (916 cases, 35%). While the breakdown of within-standard cases by sub-type closely resembles that of overall cases, the breakdown of over-standard cases is heavily skewed where indictments account for 85% of over-standard cases (FY09: 90%). In FY09 all but indictments met or exceeded the state performance goal of 98%; however, in FY10 information cases also failed to meet the 180-day assessment goal, indicating that the Court may need to focus on timely processing of information cases in addition to indictment cases if it wishes to improve criminal case processing performance. In particular, the Court may need to examine further indictment and information cases to identify characteristics of those closing over the time standard and their case processing history.

Table B.3b Criminal Cases by Case Sub-Type and Termination Status, FY10

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	%	ACT*	N	%	% WST*	ACT	N	%	% OST*	ACT
Indictment	1,070	41%	135	967	39%	90%	121	103	85%	10%	266
Information	400	15%	66	386	16%	97%	60	14	12%	3%	233
Bindover-Jury	221	8%	26	219	9%	99%	23	2	2%	1%	329
Bindover-Appeal	916	35%	36	914	37%	>99%	35	2	2%	<1%	261
Total	2,607	100%	80	2,486	100%	95%	71	121	100%	5%	263

* WST: within-standard; OST: over-standard

Note: Percentages do not always add to 100% due to rounding

Case Terminations by Trial Postponements

Table B.4 compares cases that had trial postponements to those that did not by termination status. Among cases terminated in FY10, 51% had at least one trial postponement (48% for FY09, 49% for FY08 and 51% for FY07). Among cases with trial postponements, the percent of over-standard cases was 9% for FY10, equivalent to the FY09 level (8%) but lower than the FY07-FY08 levels (25% in FY08 and 20% in FY07) probably due to the change in the criminal case time standard, which shortened the time standard from first appearance to verdict as opposed to sentencing. In FY09, at least 98% of cases in Tracks 0, 1 and 2 were closed within-standard even with such postponements; however, in FY10, while cases with postponements in Tracks 0 and 1 met the standard, only 93% of Track 2 cases with postponements were closed within standard. While this is higher than that of Track 4 (79%), it is lower than that of Track 3 cases where 95% of them closed within-standard.

The bottom half of Table B.4 presents the same results for the cases that did not have trial postponements. The impact of having trial postponements on the case time is clear. In all Tracks, nearly every case (over 99%) without trial postponements, either disposed with or without holding a trial, closed within-standard. Even all Track 4 cases without trial postponements closed within-standard in FY10 compared to FY09 when Track 4 cases without trial postponements failed to meet the 98% goal. As observed in FY09, the change in the criminal case time standard may have increased the impact of trial postponements on termination status since in each track virtually all cases without trial postponements closed within-standard. Interestingly, the ACT for over-standard criminal cases without trial postponements is longer than that for over-standard cases with trial postponements (297 and 262 days, respectively) because a handful of over-standard Track 1 cases without postponements had an exceptionally large case time (428 and 329 days). The case times associated with the other 2 over-standard criminal cases without postponements are: 190 and 241 days. Further examination of these cases may provide insight into other factors contributing to an over-standard termination status. Since the Court has just finished reviewing and updating the existing criminal DCM plan in FY11, the modifications made to the plan are expected to bring additional improvement in the Court's criminal case processing efficiency in FY11.

Table B.4 Criminal Case Terminations by Trial Postponements, Termination Status (Within or Over the 6-month Standard), and Track, FY10

<u>Terminations With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations			Over-Standard Terminations		
		N	Track	ACT*	N	%	ACT*	N	%	ACT*
Track 0	64	48	75%	87	47	98%	85	1	2%	190
Track 1	1,136	148	13%	67	146	99%	65	2	1%	211
Track 2	375	313	83%	127	292	93%	117	21	7%	272
Track 3	668	507	76%	129	481	95%	122	26	5%	257
Track 4	364	324	89%	162	257	79%	136	67	21%	263
Total	2,607	1340	51%	128	1223	91%	115	117	9%	262
<u>Terminations Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations			Over-Standard Terminations		
		N	Track	ACT*	N	%	ACT*	N	%	ACT*
Track 0	64	16	25%	17	16	100%	17	0	0%	0
Track 1	1,136	988	87%	28	986	100%	28	2	<1%	379
Track 2	375	62	17%	27	62	100%	27	0	0%	0
Track 3	668	161	24%	33	159	99%	31	2	1%	216
Track 4	364	40	11%	39	40	100%	39	0	0%	0
Total	2,607	1267	49%	29	1263	>99%	28	4	<1%	297

* ACT = Average case time, in days.

Case Terminations by the Number of and Reasons for Trial Postponements

During FY10, 1,340 criminal cases experienced 1,606 postponements, averaging 1.2 postponements per case. Table B.5 presents the distribution of cases with trial postponements by number of such postponements and termination status (within- versus over-standard) for FY10, FY09 and FY08. For the first time in FY10, more than half of the cases terminated experienced at least one trial postponement. As observed in previous years, over 95% of the cases with trial postponements had one (84%) or two (13%) trial postponements. Among within-standard cases, the distribution of postponed cases by the number of trial postponements remains unchanged for the past 3 fiscal years.

Regarding over-standard cases, the major difference between FY07 and FY09 is the distribution of over-standard cases with trial postponements by the number of such postponements. In FY08, which is before the change in the time standard, even having a single trial postponement significantly increased the chance of an over-standard termination, and the majority (72%) of over-standard cases in FY08 was cases with a single trial postponement. As indicated above, the Court implemented a policy effective July 1, 2010 of setting trial dates with counsel present at a scheduling hearing to reduce the impact of postponements on the case processing performance. In FY09, due to the time standard change that had eliminated the time between verdict and sentencing, the proportion of cases with a single postponement among over-standard cases declined to 35%. As a result, the proportion of cases with multiple postponements increased from 13% to 35% for those with 2 trial postponements, and from 8% to 22% for those with 3 trial postponements. The trend continued in FY10 where 33% of over-standard cases had one trial postponement, 47% with 2 postponements and 19% with 3 postponements. This shift is also evident from the last section of the table that presents the percent of cases closed over-standard given the number of trial postponements. In FY08, 21% of cases with one trial postponement resulted in over-standard terminations; however, in FY09 and FY10, only 4% and 3% of the cases with one trial postponement were over-standard. Equally, the percentage of over-standard cases among cases with 3 or 4 or more trial postponements declined. The only exception was the cases with 2 trial postponements where the percentage increased to 31% in FY10 after it declined between FY08 and FY09.

Table B.5 Postponed Cases by the Number of Trial Postponements and Termination Status, FY08-FY10

Number of Postponements	All Cases				Within-Standard Cases				Over-Standard Cases				% of Over-Standard/All Cases		
	FY10		FY09	FY08*	FY10		FY09	FY08*	FY10		FY09	FY08*	FY10	FY09	FY08*
	N	%	%	%	N	%	%	%	N	%	%	%			
1	1,119	84%	83%	84%	1,080	88%	88%	88%	39	33%	35%	72%	3%	4%	21%
2	180	13%	13%	12%	125	10%	11%	11%	55	47%	35%	13%	31%	23%	28%
3	38	3%	3%	2%	16	1%	1%	1%	22	19%	22%	8%	58%	67%	83%
4+	3	>1%	1%	2%	2	>1%	>1%	0%	1	1%	9%	7%	33%	82%	100%
Total	1,340	100%	100%	100%	1,223	100%	100%	100%	117	100%	100%	100%	5%	8%	25%
% Postponed		51%	48%	49%		49%	46%	42%		97%	95%	87%			

* FY08 figures are based on a sample of 505 criminal cases.

Similar to previous fiscal years, the most frequently cited trial postponement reason for criminal cases is ‘System-Generated Initial Trial Date Not Conformed to Counsels’ Availability,’ accounting for over 70% (72%, 1,158 postponements) of the trial postponement reasons (see table B.6). As we noted in previous reports, the exceedingly high occurrence of scheduled-related trial postponements could again be one of the issues to be considered in an effort to reduce the number of over-standard criminal cases. According to Maryland Rule 4-271, the Court is required to set a trial date for criminal cases within 30 days after the appearance of counsel or the first appearance of the defendant, whichever comes first. In order to comply with this Rule, the Circuit Court automatically schedules a trial date within the 30-day time limit when the case is filed in the Criminal Department *without* consulting involved parties. As a result, many trials need to be rescheduled to ensure the availability of all involved parties. However, this year, the Court implemented a new trial scheduling procedure to eliminate the automatic scheduling of trials without consultation with parties and their counsel in order to reduce, if not to eliminate, trial postponements due to ‘System-Generated Initial Trial Date Not Conformed to Counsels’ Availability.’ The analysis of next fiscal year’s data may be able to provide some insight on the anticipated benefit of this change in the Court’s scheduling practices on criminal case processing performance. Other trial postponement reasons with a high probability of over-standard case terminations include:

- Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare: 46% ((27/59) resulted in over-standard terminations)
- New Counsel Sought or Has Entered their Appearance or Not Appointed: 30% (14/47)
- Settlement, Plea or Reconciliation in Progress: 14% (11/78)
- Calendar Conflict - Party Needs to Get Affairs in Order: 19% (10/52)
- Witness Unavailable - New Witness Identified: 20% (10/49)
- Forensic Evidence Incomplete:: 60% (6/10)
- Increase/Decrease Court Time/Track Change/to Trail Behind another Case: 43% (6/14)
- Illness/Medical Emergency or Death: 28% (5/18)
- Police Officer Not Available: 36% (5/14)

Combined, these postponement reasons account for another 31% of over-standard cases.

Table B.6 Trial Postponement Reasons and Termination Status, FY10

Postponement Reasons	All Cases		Over-Standard Cases		% of Over-Standard/All Cases
	N	%	N	%	
System-Generated Initial Trial Date Not Conformed to Counsels' Availability	1,158	72%	106	48%	9%
Settlement, Plea or Reconciliation in Progress	78	5%	11	5%	14%
Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	59	4%	27	12%	46%
Calendar Conflict - Party Needs to Get Affairs in Order	52	3%	10	5%	19%
Witness Unavailable - New Witness Identified	49	3%	10	5%	20%
New Counsel Sought or Has Entered their Appearance or Not Appointed	47	3%	14	6%	30%
Case Not Reached or Was on the To-Be-Assigned Docket and Not Reached	24	1%	1	0%	4%
Illness/Medical Emergency or Death	18	1%	5	2%	28%
Mental Evaluation Incomplete	17	1%	4	2%	24%
Increase/Decrease Court Time/Track Change/to Trail Behind another Case	14	1%	6	3%	43%
Police Officer Not Available	14	1%	5	2%	36%
New Complaint, Petition, 3rd Party Complaint, or Consolidation Pending/Complaint Not at Issue or Ripe	11	1%	4	2%	36%
Forensic Evidence Incomplete	10	1%	6	3%	60%
Defendant/Respondent Is Participating in a Rehabilitation Program	8	0%		0%	0%
Weather/Court Emergencies/Administrative Court Closure	8	0%	2	1%	25%
Chemist Not Available	6	0%	1	0%	17%
Defendant/Respondent/Plaintiff Not Transported/Writ Never Requested	6	0%		0%	0%
Competency Evaluation Ordered	6	0%	2	1%	33%
Reports and Evaluations Not Completed/Re-Evaluation Ordered	5	0%	2	1%	40%
Pending Motions to Be Heard or Ruled on	4	0%	1	0%	25%
Judge Unable to Reach Court Event (e.g. Illness, Scheduling Conflict)	3	0%		0%	0%
Vacation Plans/Religious Reasons	3	0%	1	0%	33%
Party(s) Did Not Receive Notice of Court Date	3	0%		0%	0%
Defendant or Respondent - Postponement Reason Not Disclosed	1	0%	1	0%	100%
Request for Services (e.g. Private Custody & Mental Health Evaluations, Private Mediation)	1	0%		0%	0%
Subpoena Not Issued for Witness	1	0%		0%	0%
Total	1,606	100%	219	100%	14%

Summary of Criminal Findings

- In FY10, the percentage of criminal cases closed within the state's 6-month time standard was 95% comparable to FY09 (96%) based on the new the criminal case time standard that measures the case time between the first appearance and verdict instead of sentencing. Based on the old time standard, the FY10 performance is 86% (88% for FY09), which is equal to the FY08 performance.
- Nearly half (44%) of all cases that closed in FY10 were Track 1 cases and over 99% of the cases closed within the time standard. In FY09, over 98% of the Track 2 cases also closed within-standard; however, in FY10, only 94% of the Track 2 cases exceeded the 6-month time standard. Although this is better than the Track 4 performance (82%), it is worse than that of Track 3 (96%).
- In terms of criminal case sub-type, not only indictment cases (90%) but also information cases (97%) failed to meet the 98% state goal.
- The FY10 criminal data collection process was different from that of FY09; therefore, any changes in case processing performance between the two fiscal years may be attributed to the change rather than

processing inefficiencies. Additional investigations and data analyses are needed to identify factors responsible for the observed changes in the performance.

- For the first time since the caseload assessment was implemented, over 50% (51%) of the terminated cases experienced at least one trial postponement in FY10. The likelihood of a case with one trial postponement resulting in an over-standard termination was reduced to 3% in FY10 and 4% in FY09, compared to 21% in FY08 possibly due to the change in the criminal case time standard that closes a case at verdict as opposed to sentencing.
- As found in FY07 and FY08, the most frequently reported reason for a trial postponement was 'System-Generated Initial Trial Date Not Conformed to Counsels' Availability,' which accounted for 72% of all the trial postponements in FY10. However, the recent review and updates to the Court's Criminal DCM plan eliminated automatic scheduling of trial dates as well as postponements associated with that automated trial date. The Court believes that the number of trial postponements due to the above reason is expected to decline substantially if not completely. It is further anticipated that this change will result in improved criminal case processing performance.

Recommendations for Future Criminal Analyses

- Conduct a comparative analysis of the FY09 and FY10 data by removing certain groups of cases that were excluded from the FY10 data due to the change in data collection procedures. Verify whether the observed difference in the case processing performance was due to the change in data collection methods or some other factors.
- Conduct an in-depth analysis of its case processing performance for Tracks 2 and 4 cases in terms of DCM Track. In terms of case sub type, focus on indictment and information cases. In both analyses, identify factors that may be associated with over-standard termination and review how well these cases are performing against the appropriate DCM guidelines to identify at which stage of the case that performance begins to falter.
- Investigate the nature and type of trial postponements as well as identify mediating factors that increase the likelihood of postponed cases terminating over-standard.
- As part of the FY11 case processing analysis, build upon recommendation number one and calculate the case processing performance of FY09 and FY10 cases by removing trial postponements due to 'System-Generated Initial Trial Date Not Conformed to Counsels' and compare the resultant performance with that of FY11 cases.

Recommendations for the Circuit Court Time Standards Sub-Committee

- Certain suspensions such as interlocutory appeals do not necessarily inactivate a case. In such situations, the court can and does move forward with the case, and it may not be appropriate to exclude such time from the calculation of the case processing time. The Circuit Court Time Standard Sub-Committee is requested to address this and develop guidelines as to how it should be handled by JIS and/or individual courts. For example, the case time may be suspended only when the scheduled event is postponed due to one of the suspension events (as in the case of DNA suspensions) or when the case was stayed because of the event.
- For a suspension event such as competency and DNA/forensic test results, the event begins with the competency evaluation order or postponement of a scheduled event due to the unavailability of DNA/forensic results and ends with the date of the next event, supposedly a competency hearing or trial, which may occur some time after the results of the competency evaluation or DNA/forensic test results are received. Essentially, the competency or DNA/forensic suspension event includes some additional time between receipt of the competency evaluation or DNA/forensic results and the date of the next court event. In the case of competency, it makes sense not to have the receipt of the evaluation as the suspension end date since the competency suspension would resume when a defendant is found to be incompetent at the hearing. If receipt of the evaluation is made then the

suspension will stop, and this would result in multiple suspensions of the same kind, which the statewide Caseflow Assessment Application is currently unable to handle (except for FTA/bench warrant suspensions). However, the problem arises when the next event is not the one that is expected (e.g., competency hearing or trial), resulting in a shortened suspension. It is recommended that the Time Standards Sub-Committee review this issue as it may be advisable to define the next event in the time standards chart as the suspension stop date.

- In a single case (111796C), a judge ordered a PSI, following a defendant's guilty plea. As the case progressed, however, the defendant withdrew the plea, and the case went to trial. In such instances, the PSI suspension should be recognized, and the associated time should be allowed to be taken out of the calculation of the case time.

Domestic Relation Case Terminations

Fiscal Year 2010 Case Terminations

C. Domestic Relations Case Processing Definitions and Summary

	Domestic Relations Case Time Definitions	Percentage of Cases Closed within Time Standards	Average Case Processing Time	Additional Montgomery County Measurements†
Domestic Relations Case Standards and Montgomery County Measures		<u>State-Set Goal:</u> 90% within 12 months 98% within 24 months <u>Montgomery County:</u> 12-month standard: CY 2001: 92% CY 2002: 91% CY 2003: 92% FY 2005: 90% FY 2006: 91% FY 2007: 90% FY 2008*: 90% FY 2009: 92% FY 2010: 92% 24-month standard: CY 2001: N/A CY 2002: 99% CY 2003: 100% FY 2005: 99% FY 2006: 100% FY 2007: 99% FY 2008*: >99% FY 2009: >99% FY 2010: >99%		
	<u>Case Time Start:</u> Filing of Case. <u>Case Time Stop:</u> Disposition, dismissal, or judgment. Judgment in limited divorce cases if the limited divorce is the only issue.		CY 2001: N/A CY 2002: 187 days CY 2003: 185 days FY 2005: 173 days FY 2006: 154 days FY 2007: 157 days FY 2008*: 155 days FY 2009: 148 days FY 2010: 150 days	<u>Circuit Court Filing to Service/Answer, whichever comes first:</u> CY 2001: 39 days CY 2002: 44 days CY 2003: 43 days FY 2005: 46 days FY 2006: 44 days FY 2007: 41 days FY 2008*: 39 days FY 2009: 58 days FY 2010: 36 days
Note: Domestic relations case time is suspended for bankruptcy stay, interlocutory appeal, body attachment, military leave, and no service in child support cases after 90 days from filing, and collaborative law start. * FY2008 results are based on a sample of 510 domestic relations. †Additional measures are calculated by Data Processing based on its sample except for the average case processing time except for FY2010.				

Overall Domestic Relations Case Terminations

In FY10, as in FY09, seven Circuit Court Judges presided over family law matters full-time and another judge presided over such matters part-time, and five Family Division Masters heard family law matters. The Judges preside over trials and merit hearings, and the Masters also preside over merit hearings. At Montgomery County Circuit Court, these Family Division Masters hear the following events:

- Scheduling Conferences
- Pendente Lite Hearings

- Settlement Status Conferences (custody issues)
- Settlement Pretrial Conferences (property and monetary issues)
- Support of Dependents
- Uncontested Divorces
- Contempt
- Earnings Withholding Hearings
- Any issues, by Order and Agreement of the Parties

However, when *any* event exceeds one day in length, the matter is set before a Judge. Table C.1 provides the number of original domestic relations (DR) case terminations and the average case time (ACT) by case termination status between FY04 and FY10.

In FY10, the Court processed a total of 7,776 original DR case terminations, an increase of 336 cases (5%) from the FY09 level (7,440 cases), following the first decline in the number of terminations between FY08 and FY09 since FY04. Between FY04 and FY08, the number of terminations increased with an average of about 1,000 cases per year except for between FY06 and FY07 when the increase was much smaller (354 cases). The FY09-FY10 increase is somewhat equivalent to the FY06-FY07 increase.

The Court's overall DR case processing performance for FY10 remained unchanged from FY09. The percentages of DR cases terminated within the 12- and 24-month standards in FY10 was 92% and 99%, respectively, thus meeting the state-set goal of closing 90% of cases within 12 months and 98% in 24 months.

The overall ACT for FY10 terminations was 150 days, 2 days greater than the FY09 ACT (148 days) but still lower than that for FY05-FY08 (154-173 days). Under the 12-month standard, the ACT among within- and over-standard terminations was 121 days and 494 days, respectively. Under the 24-month standard, the FY10 ACT among within- and over-standard terminations was 146 days and 927 days, respectively.

Table C.1 Number of Domestic Relations Case Terminations FY04-FY10

Fiscal Year	Total Terminations		12-month Standard						24-month Standard					
			Within-Standard Terminations			Over-Standard Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT	N	%	ACT	N	%	ACT
FY04	4,386	129	4,047	92%	98	339	8%	499	4,362	100%	124	24	<1%	1,043
FY05	5,364	173	4,818	90%	133	546	10%	534	5,316	99%	164	48	1%	1,255
FY06	6,368	154	5,820	91%	123	548	9%	493	6,337	100%	151	27	<1%	872
FY07	6,722	157	6,066	90%	118	656	10%	522	6,666	99%	150	56	1%	988
FY08**	(510)	155	(460)	90%	117	(50)	10%	505	(508)	>99%	152	2	<1%	946
FY09	7,440	148	6,841	92%	117	599	8%	505	7,393	>99%	148	47	<1%	916
FY10	7,776	150	7,182	92%	121	594	8%	494	7,737	99%	146	39	1%	927

Maryland domestic relations case time standards and goals: 12 and 24 months and 90% for 12-month and 98% for 24-month within-standard terminations

* ACT = Average Case Time, in days.

** The full domestic caseload for FY08 was 7,673. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

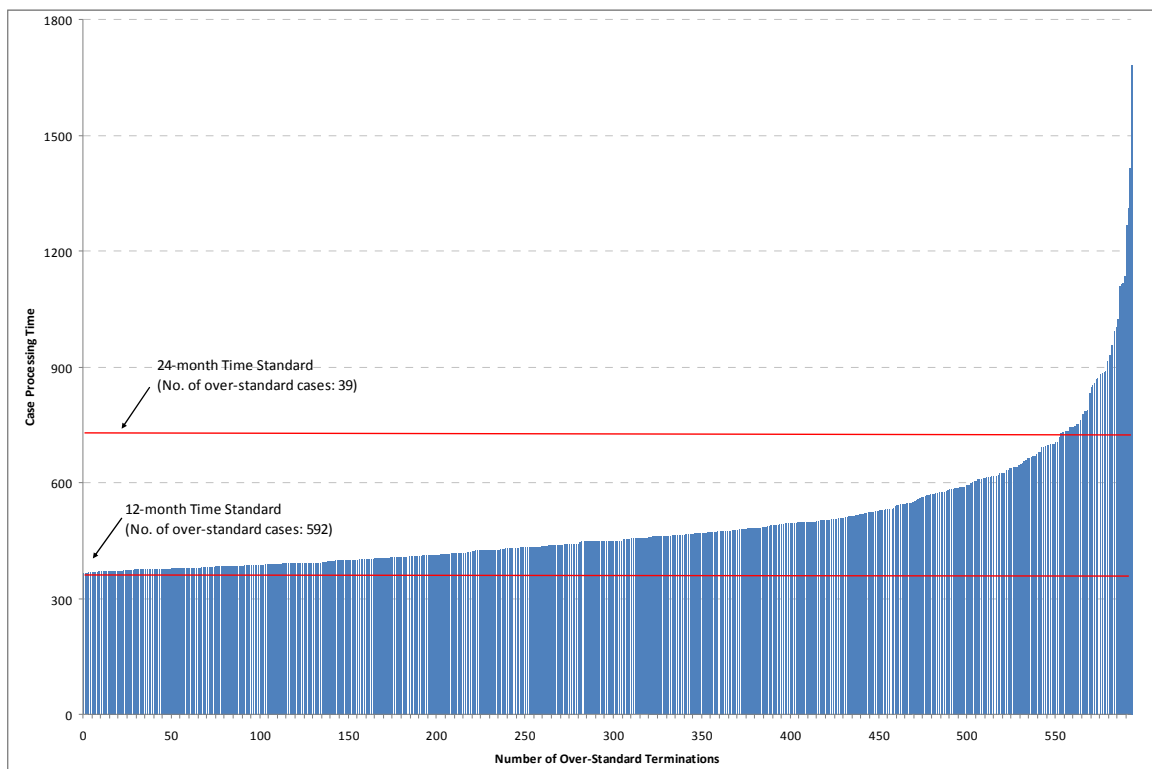
Table C.2 Distribution of Over-Standard Domestic Relations Cases, FY07-FY10

Fiscal Year	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY07	656	522	463	373	381	407	574	708	823	5,189
FY08*	50	505	445	379	382	390	564	711	714	1,080
FY09	599	505	458	374	381	405	551	687	799	1,559
FY10	594	494	450	375	379	399	525	662	757	1,684

*Based on a sample of 510 domestic relations cases.

Table C.2 compares the distribution of over-standard cases for FY07 through FY10. The first 3 percentile figures (5th, 10th, and 25th percentiles) for FY09 are nearly identical to the ones observed in FY07 where its 75th, 90th and 95th percentile values are 21-24 days shorter than those for FY07. The similar patterns hold for FY09 and FY10. That is, 5th, 10th, and 25th percentiles for FY09 are nearly identical to those of FY10; however, the 75th, 90th and 95th percentile values for FY10 are smaller than the FY09 values by 25-42 days. For FY10, the case with the largest clock time was 1,684 days, comparable to 1,559 days for FY09, and much smaller than 5,189 days for FY07. These observations seem to suggest that the Court's efforts to 'clean up' extremely over-standard cases has started to have some impact on the over-standard ACT.

There are 10 cases with case times over 1,000 days (9 cases in FY09). In FY09, 30 cases had a case time of 800 days or over; in contrast, in FY10 only 15 cases had their case time equal to or greater than 800 days. A reason for particularly long times was due to post-judgment motions filed before or about the same time the judgment for absolute divorce was granted, thus rendering cases to remain open after the divorce judgment. While the additional time the Court spent to resolve these issues widely varies from 1 day to 1,094 days (without considering possible case time suspensions), on average 160 days (414 days for FY09) were added. Of 2,911 absolute divorce cases, 61 cases were not disposed when judgment of absolute divorce was granted, suggesting that cases remained open to address post-judgment issues. Of the 594 cases that resulted in over-standard terminations in FY10, 11 cases closed between 366 and 369 days. Thirty-four over-standard cases closed within 10 days past the 365-day time standard.

**Figure C.1 Distribution of Over-Standard Domestic Relations Cases, FY10**

Case Terminations by Track

Montgomery County's Differentiated Case Management (DCM) Plan established the following five tracks for DR cases:

Track 0: Uncontested divorce without summons (N=749)

Track 1: Uncontested divorce with summons (N=2,263)

Track 2: No physical custody issues and limited discovery (N=869)

Track 3: Physical custody issues and/or divorce with moderate discovery (N=551)

Track 4: "Judge Track," reserved for cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues along with custody, visitation and divorce (N=5)

No Track ("Track N"): Cases with other issue(s) including but not limited to: Guardianships, Uniform Support, Change of Name, Paternity, URESA, and waiver of court costs (N=3,339)

As indicated above, FY10 experienced a slight increase in terminations from FY09. The break down of terminations by Track indicates that the majority of the FY09-FY10 increases are attributed to Track N, which increased by 376 cases from 2,963 cases in FY09 to 3,339 cases in FY10. Cases assigned to Tracks 2 and 3 also increased by 59 cases and 48 cases, respectively, between the two fiscal years; however, these increases were cancelled out by fewer terminations in cases assigned to Track 0 (decreased by 121 cases) and Track 1 (decreased by 29 cases). Table C.3 summarizes the number and distribution of DR cases and their case processing performance (percent of cases closed within- and over-standard and corresponding ACTs) by track. While the table provides results according to the 12- and 24-month time standards, the report mainly discusses results associated with the 12-month standard.

Table C.3 FY10 Domestic Relations Case Terminations by Termination Status (Within or Over the 12- and 24-month Standards) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
12-month Standard											
Track 0	749	10%	54	746	10%	>99%	52	3	1%	<1%	426
Track 1	2,263	29%	156	2,162	30%	96%	142	101	17%	4%	466
Track 2	869	11%	284	653	9%	75%	215	216	36%	25%	491
Track 3	551	7%	330	347	5%	63%	218	204	34%	37%	522
Track 4	5	<1%	253	4	<1%	80%	186	1	<1%	20%	519
Track N	3,339	43%	102	3,270	46%	98%	95	69	12%	2%	466
Total	7,776	100%	150	7,182	100%	92%	121	594	100%	8%	494
24-month Standard											
Track 0	749	10%	54	749	10%	100%	54	0	0%	0%	0
Track 1	2,263	29%	156	2,258	29%	>99%	154	5	13%	<1%	1,041
Track 2	869	11%	284	854	11%	98%	273	15	38%	2%	905
Track 3	551	7%	330	533	7%	97%	311	18	46%	3%	893
Track 4	5	<1%	253	5	<1%	100%	253	0	0%	0%	0
Track N	3,339	43%	102	3,338	43%	>99%	102	1	3%	<1%	1,313
Total	7,776	100%	150	7,737	100%	99%	146	39	100%	1%	927

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

As observed in the past, over 70% of the originally terminated DR cases were either Track 1 (29%) or Track N (43%). Another 20% of the case terminations were from Track 0 (10%) and Track 2 (11%). Cases in these tracks, except for Track 2, are characterized with a relatively short ACT (Track 0: 54 days, Track 1: 156 days, and Track N: 102 days) and thus a high percentage of cases closed within-standard, ranging from 96% in Track 1 cases to nearly 100% in Track 0 cases. Cases in Tracks 0, 1, and N accounted for 82% of the DR cases for FY10 (83% in FY09, 82% in FY08, 79% in FY07).

The remaining 1,425 cases, those in Tracks 2, 3 and 4, accounted for 18% of the originally terminated DR cases in the FY10 data (18% in FY08 and FY09, 20% in FY07) and were characterized with a substantially larger ACT and a much lower within-standard termination rate than cases assigned to Tracks 1, 0, and N. The overall ACT for Tracks 2 and 3 cases for FY10 was 284 days (293 days for FY09) and 330 days (352 days for FY09), respectively, and the percent of cases closed within the 12-month Time Standard was 75% (71% in FY09) and 63% (56% in FY09). Thus, as also observed in FY09, the case processing performance of cases in these tracks has been improving since FY08. However, since the progress appears to be rather gradual, it is imperative that the Court still maintain close monitoring of the progress of cases in these tracks, evaluate the current practice of processing cases in Tracks 2 and 3 and devise intervention measures to reduce the time used to process these cases. The Court is currently working to revise the Domestic Relations Differentiated Case Management (DCM) Plan, and it is suggested that additional clarity be provided as it relates to the definition and assignment of case tracks as well as the process of filing post-judgment pleadings prior to the docketing of the original closure.

Case Terminations by the Number of and Reasons for Trial Postponements

Table C.4 compares the number, percentage, and ACT of DR cases according to the DR DCM track, whether or not they had trial postponements, and whether or not they closed within the 12-month time standard. During FY10, 2% (188 of 7,776 cases, 2% for FY09) of the closed cases experienced at least one trial postponement. As observed in previous years, most of trial postponements were found in Tracks 2 and 3 (94%, 96% for FY09) since Tracks 0 and 1 cases rarely go to trial because of the nature of cases assigned to those tracks.

Overall, cases with trial postponements took on average a little over 400 days (408 days) to close compared to 143 days among cases without such postponements. The FY10 ACT for all DR cases with at least one postponement (408 days) is shorter than the FY09 ACT (452 days). Even among cases closed within the 1-year time standard, the ACT for cases with trial postponements (264 days) is nearly twice as long as those without trial postponements that closed within-standard (119 days). Among over-standard cases, however, the difference in ACT is not as large as observed for within-standard cases; the over-standard ACT for cases with trial postponements is 562 days, 60 days longer than for those without such postponements (482 days).

Having trial postponements on average reduces the probability of within-standard terminations from 92% to 52%. Among cases in Tracks 2 and 3 where most of the trial postponements occur, having trial postponements substantially increases the likelihood of cases terminating over-standard to 40% (compared to 23% among cases without postponements) and 59% (compared to 33%), respectively. However, since 23% of Track 2 cases and 33% of Track 3 cases without trial postponements resulted in over-standard terminations, other factors such as the time it took for a case to become ripe, pre-trial postponements, filings of post-judgment motions before final judgment, and the general scheduling practices of these cases may also have impacted the progress of the cases assigned to these tracks. Additional investigation is necessary to identify such factors.

Table C.4 FY10 Domestic Relations Case Terminations by Trial Postponements, Termination Status (Within or Over the 12-month Standard), and Track

<u>Terminations With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	749	0	NA	NA	0	NA	NA	0	NA	NA
Track 1	2,263	3	<1%	452	1	33%	280	2	67%	539
Track 2	869	94	11%	365	56	60%	248	38	40%	537
Track 3	551	83	15%	451	34	41%	289	49	59%	564
Track 4	5	1	20%	201	1	100%	201	0	NA	NA
Track N	3,339	7	<1%	498	5	71%	293	2	29%	1011
Total	7,776	188	2%	408	97	52%	264	91	48%	562
<u>Terminations Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	749	749	100%	54	746	100%	52	3	<1%	426
Track 1	2,263	2,260	100%	156	2,161	96%	142	99	4%	464
Track 2	869	775	89%	274	597	77%	212	178	23%	482
Track 3	551	468	85%	309	313	67%	210	155	33%	509
Track 4	5	4	80%	266	3	75%	181	1	25%	519
Track N	3,339	3,332	100%	101	3,265	98%	94	67	2%	450
Total	7,776	7,588	98%	143	7,085	93%	119	503	7%	482

* ACT = Average case time, in days.

Table C.5 provides the distribution of the cases by the number of trial postponements and case termination status for FY08-FY10. Overall, only 2% of cases experienced trial postponements. In particular, for within-standard cases between FY08 and FY10, only 1% of cases were postponed; among over-standard cases during the same time period, the percentage is much higher at 12-16%. In addition, postponements increased the chance of a case being closed over-standard. For FY10, 43% of cases with one trial postponement were closed over-standard (63% for FY09). Since not all cases with trial postponements are concentrated in Track 2 and Track 3, examining the circumstances under which postponements were granted in cases assigned to other tracks (particularly among Tracks 1 and N) may be warranted.

Table C.5 Postponed Domestic Relations Cases by the Number of Trial Postponements and Termination Status, FY08-FY10

Number of Trial Postponements	All Cases												% of Over-Standard/		
	All Cases				Within-Standard Cases				Over-Standard Cases				All Cases		
	FY10	FY09	FY08*		FY10	FY09	FY08*		FY10	FY09	FY08*		FY10	FY09	FY08*
	N	%	%	%	N	%	%	%	N	%	%	%	FY10	FY09	FY08*
1	154	82%	85%	60%	88	91%	94%	75%	66	73%	80%	50%	43%	63%	50%
2	28	15%	12%	30%	7	7%	4%	25%	21	23%	15%	33%	75%	88%	67%
3	4	2%	3%	10%	1	1%	2%	0%	3	3%	3%	17%	75%	75%	100%
4	2	1%	1%	0%	1	1%	0%	--	1	1%	1%	--	50%	100%	--
Total	188	100%	100%	100%	97	100%	100%	100%	91	100%	100%	100%	48%	66%	60%
% Postponed		2%	2%	2%		1%	1%	1%		15%	16%	12%			

*Based on a sample of 510 domestic relations cases.

Table C.6 presents the reasons for the 230 trial postponements experienced by 188 DR cases terminated during FY10 (1.2 postponements per case). The most frequently cited postponement reason among all DR terminations and over-standard terminations is ‘Calendar Conflict – Party Needs to Get Affairs in Order’ (40 postponements, 17% of all trial postponements), closely followed by ‘Witness Unavailable -

New Witness Identified' (37 postponements, 16%), 'Illness/Medical Emergency or Death' (32, 14%), and 'Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare' (26, 11%). These 4 reasons, accounting for close to 60% of all the trial postponement reasons (135, 59%) for FY10, and were also the top 4 postponement reasons noted in FY09.

Table C.6 Trial Postponement Reasons and Termination Status, FY10

Postponement Reason	All Cases		Over-Standard Cases		% of Over-Standard/All Cases
	N	%	N	%	
Calendar Conflict - Party Needs to Get Affairs in Order	40	17.4%	21	17.4%	52.5%
Witness Unavailable - New Witness Identified	37	16.1%	13	10.7%	35.1%
Illness/Medical Emergency or Death	32	13.9%	19	15.7%	59.4%
Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	26	11.3%	12	9.9%	46.2%
New Complaint, Petition, 3rd Party Complaint, or Consolidation	22	9.6%	15	12.4%	68.2%
Pending/Complaint Not at Issue or Ripe	17	7.4%	11	9.1%	64.7%
Settlement, Plea or Reconciliation in Progress	14	6.1%	9	7.4%	64.3%
Reports and Evaluations Not Completed/Re-Evaluation Ordered	13	5.7%	4	3.3%	30.8%
Party(s) Did Not Receive Notice of Court Date	10	4.3%	5	4.1%	50.0%
New Counsel Sought or Has Entered their Appearance or Not Appointed	7	3.0%	5	4.1%	71.4%
Increase/Decrease Court Time/Track Change/to Trail Behind another Case	5	2.2%	3	2.5%	60.0%
Case Not Reached or Was on the To-Be-Assigned Docket and Not Reached	2	0.9%		0.0%	0.0%
Request for Services (e.g. Private Custody & Mental Health Evaluations, Private Mediation)	2	0.9%	2	1.7%	100.0%
Weather/Court Emergencies/Administrative Court Closure	1	0.4%	1	0.8%	100.0%
Judge Unable to Reach Court Event (e.g. Illness, Scheduling Conflict)	1	0.4%		0.0%	0.0%
Pending Motions to Be Heard or Ruled on	1	0.4%	1	0.8%	100.0%
Vacation Plans/Religious Reasons	1	0.4%			
Total	230	100.0%	121	100.0%	52.6%

Case Terminations by Main Charge

Table C.7 presents the number of case terminations during FY08-FY10 by the main charge. Overall, 46% of the cases focused on the dissolution of marriage, including absolute divorce (44%), limited divorce (2%), and annulment of marriage (less than 1%). However, among cases with over-standard terminations, the percentage of divorce cases was much higher (FY10: 81%, FY09: 85%). Given that divorce cases normally involve child custody/access issues, which generally require out-of-court services as well as other property/financial issues, it may be reasonable to expect some of these cases to take longer than others. In addition, these issues may sometimes remain as post-judgment matters even after divorce is granted. Also, the case time may be adversely impacted by legal requirements as to the length of separation required for a judgment of divorce. Further investigation is needed to analyze these cases by the number and types of issues involved to see how such factors impact case processing time. While the percentage of over-standard cases among most of the divorce-related cases (divorce absolute, divorce limited, annulment of marriage, and custody, except for visitation) seems to be declining, that of paternity/child support cases and appointment of guardian cases shows signs of increase. The Court may also want to review the processing of these types of cases for improved efficiency. Additional examination of included versus excluded DR case sub-types should be discussed at a statewide level. While Montgomery County Circuit Court consistently meets if not exceeds the statewide time standards for DR cases, it might be useful to identify whether all types of DR cases should be included in the analysis as some sub-types might have little to no court involvement (e.g., cases filed to waive court costs).

Table C.7 Case Terminations by Main Charge, FY08-FY10

Main Charge	All Terminations				Over-Standard Terminations				% Over-Standard/ All Cases		
	FY10		FY09	FY08*	FY10		FY09	FY08*	FY10	FY09	FY08*
	N	%	%	%	N	%	%	%			
Divorce Absolute	3,423	44%	46%	45%	455	77%	81%	80%	13%	14%	17%
Uniform Support	939	12%	12%	12%	14	2%	1%	2%	1%	1%	2%
Custody	774	10%	8%	7%	39	7%	7%	6%	5%	6%	8%
Change Of Name	742	10%	10%	7%	15	3%	3%	0%	2%	2%	0%
Paternity	614	8%	8%	9%	16	3%	2%	0%	3%	2%	0%
URES	279	4%	4%	5%	7	1%	1%	0%	3%	1%	0%
Appt of Guardian	273	4%	3%	4%	18	3%	1%	2%	7%	2%	5%
Waive Court Costs	259	3%	3%	4%	0	0%	0%	0%	0%	0%	0%
Divorce Limited	132	2%	2%	2%	26	4%	4%	8%	20%	19%	44%
Enroll Foreign Decree	82	1%	1%	1%	0	0%	0%	0%	0%	0%	0%
Amend Marriage License	70	1%	1%	1%	0	0%	0%	0%	0%	0%	0%
Miscellaneous Petition	67	1%	1%	1%	0	0%	0%	0%	0%	0%	0%
Visitation	41	1%	1%	1%	3	1%	1%	0%	7%	10%	0%
Amend Birth Certificate	40	1%	<1%	1%	0	0%	<1%	0%	0%	4%	0%
Support	15	<1%	<1%	<1%	0	0%	0%	0%	0%	0%	0%
Annulment of Marriage	12	<1%	<1%	<1%	1	<1%	1%	2%	8%	20%	50%
Other	14	<1%	<1%	0%	0	0%	0%	0%	0%	0%	NA
Total	7,776	100%	100%	100%	594	100%	100%	100%	8%	8%	10%

Note: Percentages do not always add to 100% due to rounding.

*Based on a sample of 510 domestic relations cases.

Summary of Domestic Relations Findings

- After a slight decline between FY08 and FY09, the overall number of DR case terminations increased to 7,776 for FY10. For FY10, the Court met the statewide case processing goals for DR cases by closing 92% of such cases within the state's 12-month time standard and closing over 99% of its DR cases within the 24-month time standard. The overall ACT for DR cases was 150 days (148 days for FY09), the within- and over-standard ACTs (under the 12-month standard) were 121 days (117 days for FY09) and 494 days (505 days for FY09), respectively.
- Close to one-third (29%) of all DR terminations were from Track 1 in FY10, and another 43% of the terminations were assigned to Track N, 11% assigned to Track 2, and 10% assigned to Track 0. Cases in these tracks, except for Track 2, were characterized with a relatively short ACT and a high percentage of cases closed within-standard. Cases in Tracks 0, 1, and N accounted for over 80% of the DR cases.
- During FY10, 2% of the cases with original terminations experienced at least one trial postponement. Trial-postponed DR cases were found almost exclusively among Tracks 2 and 3 because of the nature and complexity of the issues in the cases assigned to these tracks. While only 15% of the over-standard cases were postponed, postponements increased the chance of a case closing over-standard.
- Close to half (46%) of the DR cases originally terminated in FY10 involved divorce (absolute or limited divorce), and among over-standard cases 81% are cases that contained divorce-related issues.

Recommendations for Future Domestic Relations Analyses

- Conduct a more in-depth analysis of its case processing performance for Track 2 and Track 3 cases by examining how well these cases were processed against the current DR DCM guidelines and identifying at which stage of the case that performance begins to falter. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to prevent further slippage. Evaluate the current case processing practices of Track 2 and Track 3 cases to devise intervention measures to reduce the time used with processing these cases.

- Examine all postponements, including both trial and pre-trial postponements, in order to accurately assess the impact of postponements on case processing time. With regard to the analysis of event-specific postponements, separately examine cases that had an event in question and those that did not to obtain a more accurate picture of the impact of postponements on the case processing performance.
 - Further, the Court should examine how postponement reasons are being chosen and assess whether there is consistency across Departments in the meaning of postponement reasons.
 - Among over-standard cases, identify possible factors that contributed to the termination status.

Recommendations for Circuit Court Time Standards Sub-Committee

- The Time Standards Sub-Committee may want to investigate at what point courts are closing DR cases. For example, it is not clear whether courts are closing cases months after a judgment of absolute divorce is granted because of post-judgment motions that are being filed before the clerks have a chance to change the case status to close. If the judgment is the case stop date, the codes associated with this judgment need to be included in the FY11 Circuit Court Caseflow training manual, as well as discussed at the FY11 Circuit Court Caseflow training sessions.
- Certain suspensions such as interlocutory appeals do not necessarily inactivate a case. In such situations, courts can and do move forward with the case, and it may not be appropriate to exclude such time from the calculation of the case processing time. The Time Standards Sub-Committee is requested to address this issue and develop guidelines as to how it should be handled.
- Confusion continues to exist about the application of the 12-month and 24-month time standards to all DR cases. Since the 24-month time standard was originally intended to be applied to limited divorce cases only, clarification should be provided to courts as to why this standard is being applied to all DR cases.
- Statewide analysis of the DR sub-types included in the data should be undertaken to ensure that case processing performance is reflective of cases that the Court is actively processing as opposed to purely administratively tracked cases.

Juvenile Delinquency Case Terminations

Fiscal Year 2010 Case Terminations

D. Juvenile Delinquency Case Processing Definitions and Summary

	Juvenile Case Time Definitions	Percent Within 3-month (90 day) Standard	Additional Montgomery County Measurements†
Juvenile Delinquency Case Standards and Montgomery County Measures			<u>Original Offense Date to Filing:</u> CY 2001: N/A CY 2002: 128 days CY 2003: 127 days FY 2005: 109 days FY 2006: 101 days FY 2007: 112 days FY 2008*: 116 days FY 2009: 103 days FY2010: 102 days
			<u>Filing to First Appearance:</u> CY 2001: N/A CY 2002: 28 days CY 2003: 28 days FY 2005: 24 days FY 2006: 21 days FY 2007: 22 days FY 2008*: 25 days FY 2009: 32 days FY2010: 40 days
	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<u>State-Set Goal:</u> 98%	
	<u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, facts sustained, facts not sustained, NP, NCR finding).	<u>Montgomery County:</u> CY 2001: N/A CY 2002: 99% CY 2003: 98% FY 2005: 99% FY 2006: 99% FY 2007: 98% FY 2008*: 95% FY 2009: 96% FY2010: 96%	<u>Filing to Case Stop:</u> CY 2001: N/A CY 2002: 60 days CY 2003: 83 days FY 2005: 70 days FY 2006: 75 days FY 2007: 77 days FY 2008*: 69 days FY 2009: 72 days FY2010: 80 days
			<u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: N/A CY 2003: 43 days FY 2005: 40 days FY 2006: 40 days FY 2007: 41 days FY 2008*: 46 days FY 2009: 47 days FY2010: 45 days

Note: Juvenile delinquency case time is suspended for bench warrant, failure to appear, mistrial, general psychological evaluation, petition for reverse waiver, competency evaluation, pre-disposition investigation report order, pre-disposition treatment program, interlocutory appeal, and military leave.

* FY08 results are based on a sample of 510 juvenile delinquency cases.

†For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated by Data Processing based on its sample except for the average case processing time. However, for FY2010, the additional measures were calculated by the Court Researchers using the full population of juvenile delinquency case terminations.

Overall Juvenile Delinquency Case Terminations

In Fiscal Year 2010 (FY10), the Montgomery County Circuit Court terminated a total of 1,316 juvenile delinquency cases, which is slightly lower (5%) than the 1,384 cases terminated in FY09. The state-defined time standard for juvenile delinquency cases is 90 days, and the processing goal is to close 98% of cases within the time standard. Between FY04 and FY07, 98-99% of juvenile delinquency cases closed within the 90-day standard, and the average case processing time (ACT) was 40-43 days. However, for FY08, the within-standard percentage fell to 95%, and the ACT increased to 46 days. In FY09, the within-standard percent slightly improved to 96%, but the ACT slightly worsened to 47 days, a day longer than the FY08 level. In FY10, the within-standard percentage remained at 96% and the ACT improved to 45 days.

The FY10 ACT among within-standard cases improved to 42 days, compared to 43 days reported in FY09. The over-standard ACT also improved to its lowest level since reporting juvenile delinquency case processing performance data in FY04. Between FY04 and FY10, the over-standard ACT improved by 43% from 198 days to 113 days. The improvement in the over-standard ACT in FY10 reverses an increasing trend that began in FY07.

Table D.1 Number of Juvenile Delinquency Case Terminations FY04-FY10

Fiscal Year	Terminations		Within-Standard Terminations 3-month (90 days) Standard			Over-Standard Terminations 3-month (90 days) Standard		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119
FY08**	(510)	46	(484)	95%	42	(26)	5%	127
FY09	1,384	47	1,324	96%	43	60	4%	134
FY10	1,316	45	1,261	96%	42	55	4%	113

Maryland juvenile case time standard and goal: 90 days and 98% within-standard terminations

* ACT = Average Case Time, in days.

** The full juvenile caseload for FY08 is 1,492. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

Table D.2 presents the distribution of over-standard juvenile delinquency cases for FY07-FY10. A substantial increase in both the mean and median case times between FY07 and FY08 underscores the decline in the Court's juvenile delinquency case processing performance from 98% to 95% that occurred between these two fiscal years. In comparison, between FY08 and FY10, the median case time improved by 9 days and the ACT improved by 14 days. The case times distributed across the 25th, 75th, 90th, and 95th percentile figures show improvements to varying degrees between FY08 and FY10. In fact, most of the FY10 figures shown in Table D.2 are at their best since FY07.

Table D.2 Distribution of Over-Standard Juvenile Delinquency Cases, FY07-FY10

Year	N	Mean	Median	Percentile					
				5	10	25	75	90	95
FY07	30	119	107	92	94	95	134	171	178
FY08*	26	127	112	92	92	96	143	173	179
FY09	60	134	112	91	92	99	139	164	246
FY10	55	113	103	91	92	93	128	150	168

*Based on a sample of 510 juvenile delinquency cases.

In addition, 20% of the FY10 over-standard cases were 2 days over the 90-day standard and 35% were no more than a week (7 days) over the time standard. Investigating these cases and devising plans to close

cases similar to these within-standard may be a viable option to improve the Court's juvenile delinquency case processing performance.

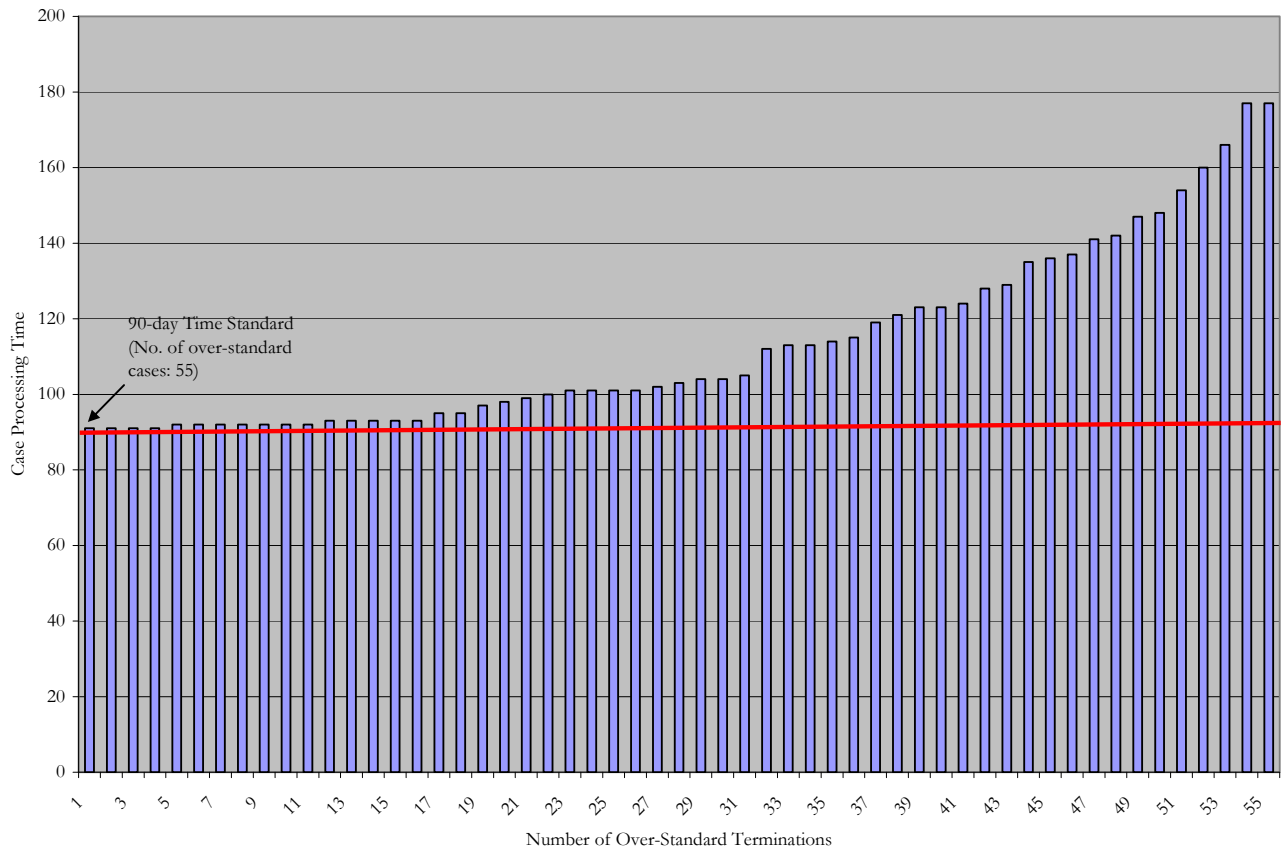


Figure D.1 Distribution of Over-Standard Juvenile Delinquency Cases, FY10

Case Terminations by Track

Currently, the Montgomery County Circuit Court's Juvenile Differentiated Case Management (DCM) Plan categorizes juvenile delinquency cases into the following four tracks:

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Track 5: Complex delinquent detention/shelter care

Track 6: Complex delinquent non-detention

Table D.3 provides the number of terminated cases by termination status (within- versus over-standard) and the DCM Track. Similar to previous years, in FY10, the vast majority (89%) of the juvenile delinquency cases were assigned to Track 2 (non-detained cases), and the remaining (except for a few cases) to Track 1 (detained cases). Thus, the case processing performance of juvenile delinquency cases largely hinges upon how well the Court processes Track 2 cases. On average, Track 2 cases had a longer ACT (47 days) than Track 1 cases (28 days). All cases assigned to Track 1 closed within the statewide time standard of 90-days. Ninety-five percent of Track 2 cases closed within 90-days, which is one percentage point below the FY09 performance of Track 2 cases. In FY10, all over-standard juvenile delinquency

cases are from Track 2 cases (92% for FY09, 96% for FY08 and 87% for FY07). Accordingly, it is imperative that the Court investigate what factors contributed to these Track 2 cases closing over-standard.

Table D.3 FY10 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	144	11%	28	144	11%	100%	28	0	--	--	--
Track 2	1,171	89%	47	1,116	89%	95%	44	55	100%	5%	113
Track 5	1	<1%	41	1	<1%	100%	41	0	--	--	--
Total	1,316	100%	45	1,261	100%	96%	42	55	100%	4%	113

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Trial Postponements

As displayed in Table D.4, 30% of the juvenile delinquency cases terminated during FY10 had at least one trial postponement compared to 29% in FY09 and 26% in FY08. Of these postponed case, 91% closed within the 90-day time standard (93% for FY09; 91% for FY08). In comparison, cases without trial postponements met the statewide performance goal of closing 98% of cases within 90-days. In particular, 100% of Track 1 cases without trial postponements closed within-standard and 98% of Track 2 cases without trial postponements closed within-standard. Sixty-five percent of over-standard juvenile delinquency cases were postponed in FY10 compared to 47% in FY09. While trial postponements are not the only reason why a case closes over-standard, they do seem to play a slightly more substantial role among juvenile delinquency cases terminated in FY10 compared to FY09. It might be equally important to examine the 19 Track 2 over-standard cases without postponements. Understanding the circumstances under which they became over-standard may provide insights into possible inefficiencies in the Court's juvenile case processing procedures.

Table D.4 FY10 Juvenile Delinquency Case Terminations by Trial Postponements, Termination Status (Within or Over the 3-month Standard), and Track

<u>With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	144	43	30%	35	43	100%	35	---	---	---
Track 2	1,171	347	30%	65	311	90%	59	36	10%	112
Track 5	1	---	---	---	---	---	---	---	---	---
Total	1,316	390	30%	62	354	91%	56	36	9%	112
<u>Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	144	101	70%	25	101	100%	25	---	---	---
Track 2	1,171	824	70%	40	805	98%	38	19	2%	115
Track 5	1	1	100%	41	1	100%	41	---	---	---
Total	1,316	926	70%	38	907	98%	37	19	2%	115

* ACT = Average case time, in days.

Note: Percentages do not always add to 100% due to rounding.

Table D.5 presents the distribution of postponed juvenile delinquency cases by the number of trial postponements and termination status for FY07 through FY10. Among postponed juvenile delinquency cases, the percentage of cases with a single trial postponement has decreased between FY08 and FY10 from 96% to 91%, respectively after a 14 percentage point increase between FY07 and FY08. In contrast, the percentage of postponed juvenile delinquency cases with 2 trial postponements has increased over the same period from 4% in FY08 to 9% in FY10 after a marked decrease of 10 percentage points between FY07 and FY08. The relative decrease in the percentage of cases with a single trial postponement in turn resulted in an equally large decrease in the percent of within-standard cases (from 98% to 93%) and over-standard cases (75% to 67%) with a single trial postponement between FY08 and FY10. The increase in the percentage of cases with two trial postponements between FY08 and FY10 is associated with increases among both within-standard cases (2% and 7%) and over-standard cases (17% and 28%) with two trial postponements during the same period. As in other case types, the impact of postponements on the processing of juvenile delinquency cases is complex because it appears that the impact of postponements on termination status depends not only on frequency but also on the length of time associated with the postponement. However, along with the increase in the percentage of over-standard cases with postponements from 46% in FY08 to 65% in FY10, the increase in the number of cases with 2 postponements is a worrisome trend.

The percentage of postponed and over-standard juvenile delinquency cases with one or two postponements has slightly increased between FY09 and FY10 after experiencing a drop between FY08 and FY09 (results not displayed in Table D.5). Specifically, among all juvenile delinquency cases with a single trial postponement, 5% were over-standard in FY09 compared to 7% in FY10. Among all juvenile delinquency cases with two trial postponements, 28% closed over-standard in FY09 compared to 29% in FY10. Similar to FY09, all postponed cases with three trial postponements closed over-standard in FY10. While postponing a case is not problematic in and of itself, they do delay case closure. As Courts work to manage and reduce inefficiencies in case processing, understanding the point at which postponements are either being requested or granted at an unreasonable rate in terms of justice delayed becomes increasingly important.

Table D.5 Number and percentage of postponements among juvenile delinquency cases by Termination Status, FY07-FY10

Number of Postponements	All Cases					Within-Standard Cases					Over-Standard Cases				
	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07
	N	%	%	%	%	N	%	%	%	%	N	%	%	%	%
1	353	91%	92%	96%	82%	329	93%	94%	98%	89%	24	67%	61%	75%	58%
2	35	9%	7%	4%	14%	25	7%	6%	2%	9%	10	28%	29%	17%	35%
3	2	1%	1%	1%	3%	0	---	0%	0%	2%	2	6%	7%	8%	8%
4	---	---	---	---	---	---	---	---	---	---	---	---	4%	--	--
Total	390	100%	100%	100%	100%	354	100%	100%	100%	100%	36	100%	100%	100%	100%
% Postponed		30%	29%	26%	28%		28%	28%	25%	26%		65%	47%	46%	87%

Note: Percentages do not always add to 100% due to rounding.

*Based on a sample of 510 juvenile delinquency cases.

Table D.6 presents the breakdown of 429 trial postponement reasons experienced by 390 postponed juvenile delinquency cases. The primary postponement reason for juvenile delinquency cases was “Calendar Conflict – Party Needs to Get Affairs in Order” (80%). The most frequently cited postponement reasons among over-standard juvenile delinquency cases include: “Calendar Conflict” (64%) and to a lesser extent “Weather/Court Emergencies/Administrative Court Closure” (8%), “Police Officer Not Available” (6%), and “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (6%).

Table D.6 Trial Postponement Reasons by Termination Status, FY10

Postponement Reason	All Cases		Over-Standard Cases		% of Over-Standard/All Cases
	N	%	N	%	
Calendar Conflict - Party Needs to Get Affairs in Order	347	81%	32	64%	9%
Pending Motions to Be Heard or Ruled on	11	3%	0	---	0%
Increase/Decrease Court Time/Track Change/to Trail Behind another Case	1	<1%	0	---	0%
Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	8	2%	3	6%	38%
Illness/Medical Emergency or Death	5	1%	0	---	0%
Witness Unavailable - New Witness Identified	14	3%	2	4%	14%
Defendant/Respondent/Plaintiff Not Transported/Writ Never Requested	14	3%	2	4%	14%
New Counsel Sought or Has Entered their Appearance or Not Appointed	3	1%	0	---	0%
Competency Evaluation Ordered	5	1%	2	4%	40%
Judge Unable to Reach Court Event (e.g. Illness, Scheduling Conflict)	1	<1%	0	---	0%
Parent Not Present	4	1%	1	2%	25%
Police Officer Not Available	4	1%	3	6%	75%
Settlement, Plea or Reconciliation in Progress	2	<1%	1	2%	50%
Weather/Court Emergencies/Administrative Court Closure	9	2%	4	8%	44%
Party(s) Did Not Receive Notice of Court Date	1	<1%	0	---	0%
Total	429	100%	50	100%	12%

Summary of Juvenile Delinquency Findings

- The Court's juvenile delinquency case processing performance for FY10 is 96% which maintains the performance level achieved in FY09. The overall ACT was 45 days, two days shorter than the ACT of 47 days achieved in FY09. The within-standard ACT was 42 days (43 days for FY09) and the over-standard ACT improved to 113 days, compared to 134 days for FY09.
- Similar to FY09, 89% of the delinquency cases that were terminated in FY10 were assigned to Track 2 and the remaining 11% were assigned to Track 1. Only one delinquency case terminated in FY10 was assigned to Track 5 and none were assigned to Track 6. Thus, managing the processing of Track 2 cases is critical to the maintenance of the overall processing performance of juvenile delinquency cases.
- Even though 30% of the juvenile delinquency cases experienced trial postponements in FY10, 91% of postponed cases closed within-standard. Of the 55 over-standard cases, 65% were postponed (FY09: 47%) indicating that trial postponements are neither necessary nor sufficient for determining whether a case closes over the time standard.

Recommendations for Future Juvenile Delinquency Analyses

- Montgomery County Circuit Court plans to conduct several additional analyses that examine case processing against the Court's DCM guidelines. As a baseline, an analysis will be performed that assesses the extent to which cases reach trial by the defined DCM guidelines. Future analyses will be performed by examining the extent to which case resolve at scheduling, pre-trial, and other key events occurring prior to trial. Through these analyses, the Court can identify the stage of case where timely resolution may be at risk. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to reverse a declining trend. The analysis may also help the Court develop benchmarks for the percentage of cases that should be resolved at each stage or each key court event.

- A noticeable decline in the processing of juvenile delinquency cases occurred in FY08. However, it is unclear whether this decline is a result of changes in how performance is measured (e.g., the criteria used for excluding suspension time) or changes in court practices. In fact, one change made to the gathering of statistical information is only excluding suspension time when the state-defined suspension start and stop dates are docketed in the data system. A court procedure change that may have impacted performance is the reduction in juvenile judges from four to three that occurred in July 2007 (FY08). Since judges play an important role in the efficient processing of cases, it may be important to examine in more detail the impact of judicial staffing on case processing performance.
 - It may also be useful to examine the characteristics of those cases closed in FY07 compared to FY08 as noticeable changes in performance occurred during that time period.
- Explore the characteristics of the cases assigned to DCM tracks. If the Court is to examine case processing performance by DCM Track it is important to understand how well the cases assigned to each track align with the Court's DCM Track definitions. For Juvenile Delinquency, the use of Tracks 5 and 6 is minimal. Between FY07 and FY10, at most 11 cases were assigned to Track 5 and that was in FY07, and at most 3 cases were assigned to Track 6 and that was in FY09. As the Court revises its Juvenile DCM Plan discussions should occur about the usefulness of these two Tracks. Also, it is not clear whether assignment to these Tracks has been consistent over time. To the extent that "complex" delinquency cases were assigned to Tracks 1 and 2, which should only include non-complex case, our understanding of delinquency performance by track may be misguided.
- As noted in the previous year's report, challenges were encountered when performing the data quality review on juvenile delinquency cases specifically as it relates to the presence/absence of caseflow-defined suspension start and end dates. Several of the challenges encountered in FY10 relate to the programming of how suspension end dates are being populated for the Pre-Disposition Investigation (PDI) report and Pre-Disposition Treatment (PDT) program suspension events. The Court's Data Programming Department was made aware of these programming discrepancies and the necessary modifications have been made to the program. That said, there were also instances where the Court was missing the PDI and PDT suspension start or end dates, which may lead to an over-estimation of case processing time. While initiatives have been instituted to obtain this information gaps continue to exist. The court researchers plan to discuss this issue with the Clerk's Juvenile Department Manager, the Supervising Juvenile Case Manager, and the Data Processing Department to determine whether alternate procedures need to be instituted to address gaps in data collection and the extraction of suspension-related data fields from the data system.

Recommendations for the Circuit Court Time Standards Sub-Committee

- The Time Standards Sub-Committee should discuss how courts differ in their docketing of the PDI and PDT suspension events. In particular, clarity should be provided as to what a PDI and PDT entail in the form of agreed upon definitions. Also, the addition of the psychological evaluation as a suspension event has created confusion among courts because often times the psychological evaluation is ordered as part of the PDI report. Understanding how courts capture these events might inform the analysis of their case data as well as provide insight to the Maryland Judiciary as it plans for the standardization of data as part of the new statewide case management system.
- The Time Standards Sub-Committee should also review the programming procedures related to the exclusion of suspension time and the status (i.e., active or inactive) of a case. Courts differ in their exclusion of suspension time because some courts like Montgomery County Circuit Court link suspension time to case status.

Child In Need of Assistance (CINA) Fiscal Year 2010 Case Terminations

E. CINA Case Processing Definitions and Summary

	CINA Case Time Definitions	Within-Standard Percentage	Additional Montgomery County Measurements
CINA Shelter	<u>Case Time Start:</u> Shelter Care Hearing, CINA Petition Granted. <u>Case Time Stop:</u> Adjudication.	<u>State-Set Goal:</u> 100% within 30 days <u>Montgomery County:</u> FY 2005: 71% FY 2006: 70% FY 2007: 60% FY2008: 80% FY2009: 69% FY2010: 80%	<u>Average Case Processing Time:</u> FY 2005: 30 days FY 2006: 30 days FY 2007: 35 days FY2008: 27 days FY2009: 34 days FY2010: 26 days
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition. <u>Case Time Stop:</u> Adjudication.	<u>State-Set Goal:</u> 100% within 60 days <u>Montgomery County:</u> FY 2005: 97% FY 2006: 76% FY 2007: 88% FY2008: 90% FY2009: 81% FY2010: 97%	<u>Average Case Processing Time:</u> FY 2005: 34 days FY 2006: 52 days FY 2007: 44 days FY2008: 43 days FY2009: 56 days FY2010: 39 days
Note: CINA shelter and non-shelter case processing time is suspended only for military leave.			

Overall CINA Shelter/Non-Shelter Case Terminations

A total of 193 child in need of assistance (CINA) cases had original closures¹⁵ in the Montgomery County Circuit Court in Fiscal Year 2010 (FY10) (131 shelter and 62 non-shelter), which is a 36% decrease from FY09 (302 original terminations). Montgomery County Circuit Court currently has three judges who preside over child welfare cases and an additional judge who presides (part-time) over post-adjudication child welfare matters.

The state-defined time standard for CINA shelter cases is 30 days and 60 days for CINA non-shelter cases. The overall average case time (ACT) for FY10 CINA shelter cases is below the 30-day standard at 26 days, and the overall ACT for non-shelter cases is noticeably below the 60 day standard at 39 days. As shown in Table E.1, the ACT for CINA shelter cases for FY10 (26 days) is lower than that for FY09 (34 days) and slightly below that for FY08 (27 days). For non-shelter cases, the ACT for FY10 (39 days) shown in Table E.2 is below that for FY09 (56 days) and FY08 (43 days). Unlike FY09, which experienced the highest overall ACT among CINA non-shelter cases since data collection of child welfare cases began in FY05, FY10 had the second lowest ACT that was only 5 days longer than the ACT achieved in FY05 (34 days)

The state goal for the percentage of CINA shelter and non-shelter cases closed within-standard is 100%. In FY10, 80% of CINA shelter cases (N = 105) closed within the 30-day time standard with an ACT of 21

¹⁵ For the purposes of this report, "closure" in CINA cases represents the case time stop as defined by the Maryland Judiciary for the sole purpose of the Maryland Caseload Assessment. As such, case time stop (i.e., closure) is identified as adjudication for CINA cases.

days (see Table E.1). There was an 11 percentage point increase in the within-standard performance between FY09 and FY10 (from 69% to 80%), and FY10 performance is 20 percentage-points higher than the FY07 performance level of 60%. Fewer CINA shelter cases were terminated in FY10 compared to FY09 (131 cases compared to 238 cases, respectively). This decrease in CINA shelter terminations may be due in part to the 38% decrease in CINA shelter original filings from 228 to 142 between FY09 and FY10.¹⁶ The increases or decreases in the number of case terminations does not always translate to associated increases or decreases in case time. For example, between FY07 and FY09, 23 more cases terminated; however, case processing performance was 9 percentage points better in FY09 compared to FY07. The number of CINA case terminations may not be the best predictor of how efficiently the Court processes these cases. There may be a certain threshold of ‘cases to be processed’ that needs to be met in a particular year before the Court experiences any impact on performance, or the link between terminations and performance may be purely spurious (i.e., due to some other factors such as the characteristics of the cases including the presence of sibling cases).

Table E.1 Number of CINA Shelter Case Terminations FY05-FY10

Fiscal Year	Terminations		Within-Standard Terminations (30-day Standard)			Over-Standard Terminations (30-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	258	30	182	71%	20	76	29%	55
FY06	192	30	135	70%	19	57	30%	57
FY07	215	35	130	60%	19	85	40%	60
FY08	173	27	139	80%	21	34	20%	52
FY09	238	34	165	69%	23	73	31%	58
FY10	131	26	105	80%	21	26	20%	47

* ACT = Average Case Time, in days.

In FY10, the overall ACT for CINA shelter terminations was 26 days, which contrasts the overall ACT observed in FY09 (34 days). The ACT achieved in FY10 is the lowest the Court has experienced since FY08 when the overall ACT was 27 days. As shown in Table E.1a, there were minimal changes in the within-standard ACT between FY05 and FY07; however, that trend reversed between FY08 and FY09 when the within-standard ACT slightly increased. The within-standard ACT returned back to the FY08 level in FY10. Prior to FY08, the Court experienced a slight, continual increase in the ACT for over-standard CINA shelter cases. That pattern reversed between FY07 and FY08 revealing a decrease of 13% in the ACT for these cases, and then reverted back to its pre-FY08 pattern by revealing a 12% increase in the over-standard ACT between FY08 and FY09. However, improvements in CINA shelter performance between FY09 and FY10 lead to an improvement in the over-standard ACT by 19%. The decrease of 8 days in the overall ACT for CINA shelter cases in FY10 is largely due to a decrease of 11 days in the over-standard ACT. Within-standard cases followed a similar yet less extreme pattern with a decrease in the ACT by 2 days.

¹⁶ A possible explanation for the decline in CINA shelter filings is the use of Family Involvement Meetings (FIMs) by the Department of Health and Human Services.

Table E.1a Annual Changes in the Number of CINA Shelter Case Terminations FY05-FY10

Annual Change	Total Terminations		Change In Within-Standard Terminations		Change in Over-Standard Terminations	
	N	ACT*	N	ACT*	N	ACT*
FY05-FY06	-66 (-26%)	0 (0%)	-47 (-26%)	-1 (-5%)	-19 (-25%)	2 (4%)
FY06-FY07	23 (12%)	5 (17%)	-5 (-4%)	0 (0%)	28 (49%)	3 (5%)
FY07-FY08	-42 (-19%)	-8 (-23%)	9 (7%)	2 (10%)	-51 (-60%)	-8 (-13%)
FY08-FY09	65 (38%)	7 (26%)	26 (19%)	2 (9%)	39 (115%)	6 (12%)
FY09-FY10	-107 (-45%)	-8 (-24%)	-60 (-36%)	-2 (-9%)	-47 (-64%)	-11 (-19%)
FY05-FY10	-127 (-49%)	-4 (-13%)	-77 (-42%)	1 (5%)	-50 (-66%)	-8 (-15%)

*ACT: Average Case Time

With regard to CINA non-shelter, as shown in Table E.2, the within-standard percentage in FY10 (97%, N = 60) is noticeably higher than that achieved in FY09 (81%, N = 52) and FY08 (90%, N = 66), and is as high as that of FY05 (97%, N=61). The ACT for within-standard CINA non-shelter cases between FY05 and FY10 has oscillated between 33 days (as a low) and 41 days (as a high). In FY10, the ACT for within-standard CINA non-shelter cases was 37 days, same as FY08, and only a day longer than FY09. In FY10, no more than 3% of CINA non-shelter cases closed over-standard, which is the lowest percentage of over-standard cases since FY05. Between FY09 and FY10, the percentage of over-standard CINA non-shelter cases decreased by 16 percentage points from 19% to 3%. The over-standard ACT improved from 140 days in FY09 to 82 in FY10, which was a 58 day improvement (a 41% decrease). The improvement in CINA non-shelter performance is largely driven by reductions in the number of over-standard CINA non-shelter cases and the ACT among over-standard cases. In essence, the Court was able to bring its case processing performance for CINA non-shelter cases to the FY05 performance level. Given that the number of CINA non-shelter terminations is comparable between FY09 and FY10 (64 and 62 cases, respectively), explaining the improvement in the within-standard percentage by 16 percentage points will require a more in-depth examination of the characteristics of these cases (e.g., the number of postponements, sibling pairs, etc.).

Table E.2 Number of CINA Non-Shelter Case Terminations FY05-FY10

Fiscal Year	Terminations		Within-Standard Terminations (60-day Standard)			Over-Standard Terminations (60-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	61	34	59	97%	33	2	3%	64
FY06	51	52	39	77%	41	12	24%	87
FY07	48	44	42	88%	39	6	13%	76
FY08	73	43	66	90%	37	7	10%	105
FY09	64	56	52	81%	36	12	19%	140
FY10	62	39	60	97%	37	2	3%	82

* ACT = Average Case Time, in days.

To better understand the marked decrease in the over-standard ACT for CINA non-shelter cases between FY09 and FY10, it is useful to look at the distribution of over-standard case times. Between FY07 and FY09, the number of over-standard CINA non-shelter cases doubled from 6 to 12 cases. The distribution of over-standard case times for FY07 ranged from 66 days (1 case) to 81 days (2 cases). In contrast, the case times among the 12 over-standard CINA non-shelter cases in FY09 ranged from 63 days (5 cases) to 383 cases (2 cases).¹⁷ Half of the FY09 CINA non-shelter cases that were over-standard were at least two

¹⁷ As discussed in the FY09 Case Processing Report, the reason for the two cases closing at 383 days appears to be due to the issuance of a bench warrant (see cases 06-I-07-0001666 and 06-I-07-000167). These two related cases had bench warrants issued for the identified mother, father, and respondent

weeks over the 60-day time standard. The two over-standard CINA non-shelter cases in FY10 had case times of 78 and 85 days neither of which were more than a month over the 60-day time standard.

Understanding the reasons for improvements in CINA non-shelter cases over time requires an examination of the characteristics of these cases. While improvements may purely be the result of less complex cases in one fiscal year compared to another, it is incumbent upon the Court to determine whether there are opportunities to improve case processing efficiency among these cases. In an analysis of the over-standard FY09 CINA non-shelter cases, 5 cases were found to be well over the 60-day time standard: 2 cases closed at 383 days and 3 cases closed at 148 days. The reason for two cases closing at 383 days appears to be due to the issuance of a bench warrant. Issuing a warrant in a CINA case is a rare occurrence; however, given the circumstances of these two cases, the Court determined that it was necessary for the safety, health and welfare of the children. Because of the analysis performed by Montgomery County Circuit Court, the Time Standards Sub-Committee and the Judicial Council approved an FTA-bench warrant/body attachment as a valid suspension event in CINA cases. For the three FY09 cases¹⁸ closing at the 148th day, it appears that the main culprit was postponements. An analysis revealed that these three cases had at least four postponements, which resulted in the cases closing over the 60-day time standard. Given that the time standard was almost reached at the time that the pre-trial was eventually heard suggests that the Court may want to review its scheduling practices to ensure that such extensions beyond the DCM guidelines and time standards are not routine.

Even though only 3% of CINA non-shelter cases are over-standard, the Circuit Court has yet to achieve the statewide time standard goal of closing 100% of cases within 60 days. Unlike FY09, the case times associated with the two over-standard cases in FY10 are not extremely long. It appears that the reason that the two FY10 CINA non-shelter cases closed over-standard are also a result of postponements. In one case, the adjudicatory hearing was postponed twice and the second postponement for medical emergency/illness resulted in the case closing over the 60-day time standard.¹⁹ The second over-standard case appears to have had its adjudicatory hearing postponed once because of the mental evaluation was incomplete.²⁰ The postponements granted in these two cases appear warranted given the circumstances and needs of the parties in the identified cases. Based on the analysis of these two cases, a question is raised about the feasibility of being able to meet the 100% statewide time standard goal for CINA cases when there are valid circumstances for closing a case beyond the standard. Also, the second over-standard case mentioned above had to be postponed because a mental evaluation was incomplete, which was required to move forward with adjudication. In other case types, a mental or psychological evaluation is a suspension event; however, not for child welfare cases. Given its short time standard, child-welfare cases should be allowed to exclude time that prevents a case from moving forward such as a postponement for an incomplete mental/psychological evaluation.

Table E.2a Annual Changes in the Number of CINA Non-Shelter Case Terminations FY05-FY10

Annual Change	Total Terminations		Change In Within-Standard Terminations		Change in Over-Standard Terminations	
	N	ACT*	N	ACT*	N	ACT*
FY05-FY06	-10 (-16%)	18 (53%)	-20 (-33%)	8 (24%)	10 (500%)	23 (36%)
FY06-FY07	-3 (-6%)	-8 (-15%)	7 (18%)	-2 (-5%)	-6 (-50%)	-11 (-13%)
FY07-FY08	25 (52%)	-1 (-2%)	24 (57%)	-2 (-5%)	1 (17%)	29 (38%)
FY08-FY09	-9 (-12%)	13 (30%)	-14 (-21%)	-1 (-3%)	5 (71%)	35 (33%)
FY09-FY10	-2 (-3%)	-17 (-30%)	8 (15%)	1 (3%)	-10 (-83%)	-58 (-41%)
FY05-FY10	1 (2%)	5 (15%)	1 (2%)	4 (12%)	0 (0%)	18 (28%)

* ACT = Average Case Time, in days.

¹⁸ The case numbers associated with the referenced CINA non-shelter cases are 06-I-08-000221, 06-I-08-000222, and 06-I-08-000223.

¹⁹ The case number associated with the referenced CINA non-shelter case is 06-I-09-000089.

²⁰ The case number associated with the referenced CINA non-shelter case is 06-I-10-000032.

Similar to CINA shelter cases, the processing performance of CINA non-shelter cases improved between FY09 and FY10. The overall ACT for CINA non-shelter cases witnessed a 15% reduction between FY06 and FY07, and this improvement was noticeably better than the 2% reduction in overall ACT experienced between FY07 and FY08 (see Table E.2a). This pattern reversed between FY08 and FY09 revealing a 30% increase in the overall ACT for CINA non-shelter cases. Between FY09 and FY10, there was a 30% decrease in the overall ACT, which was primarily due to the marked decrease of 41% in the number of days to process over-standard CINA non-shelter cases in FY10.

Table E.3 Distribution of Over-Standard CINA Shelter Cases by Clock Time and Track, FY10

Fiscal Year	N	(% OST)	Mean	Median	Percentile						
					5	10	25	75	90	95	Max
FY07	85	(40%)	60	56	37	40	45	62	80	129	171
FY08	34	(20%)	52	52	31	33	42	62	66	70	83
FY09	73	(31%)	58	52	34	35	41	52	67	83	107
FY10	26	(20%)	47	45	32	34	35	55	68	72	74

*Given the small number of over-standard CINA non-shelter cases (N = 2) the percentile analysis was not performed. However, the distribution of over-standard CINA non-shelter cases is displayed in Figure E.1.

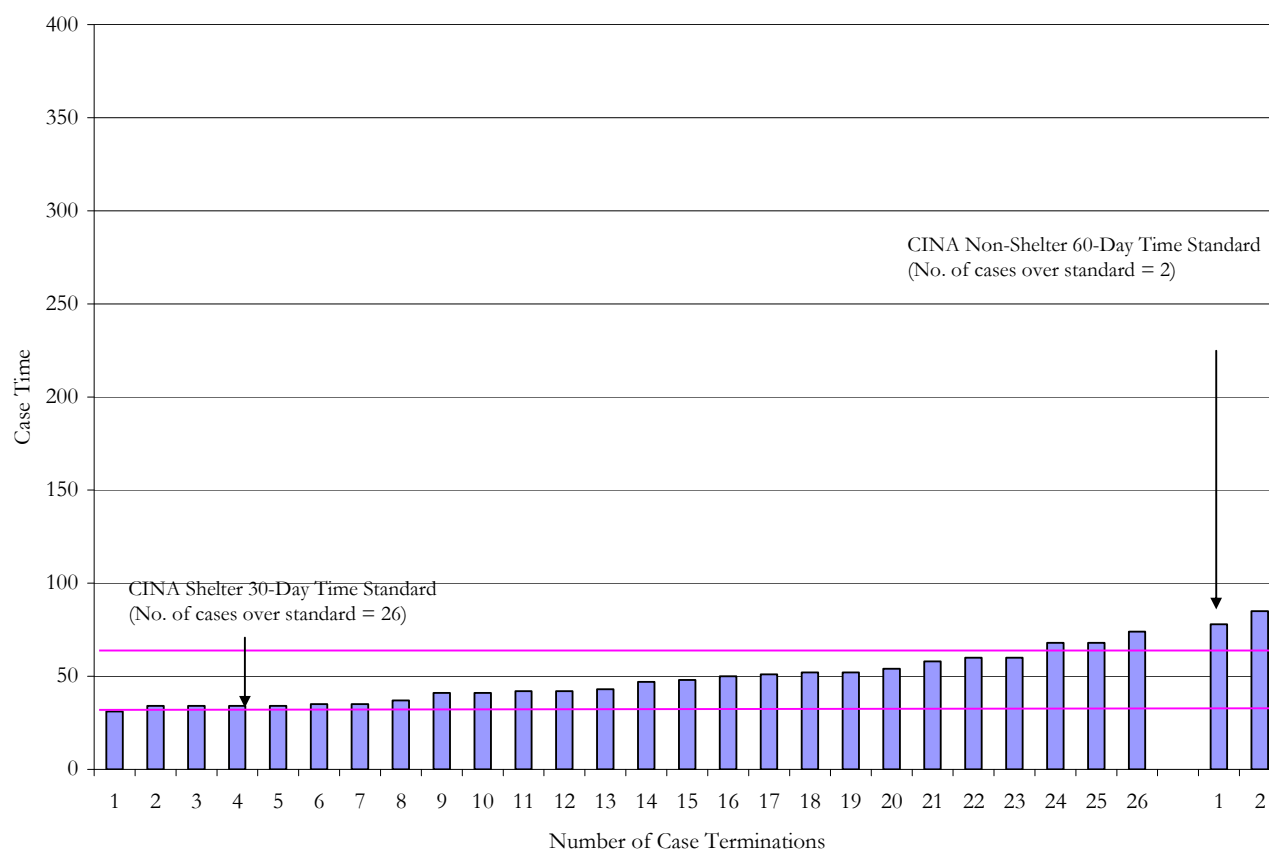


Figure E.1 CINA Shelter and CINA Non-Shelter Terminations that are over-standard, FY10

The FY09 CINA shelter and non-shelter performance results were only slightly above the lowest performance levels experienced in shelter and non-shelter cases since collecting child welfare performance data in FY05. In discussing the FY09 results with the Family Division Services Coordinator and the Supervising Juvenile Department Manager, a possible explanation provided for the decline in performance was the hiring freeze experienced by the Public Defender's (PD) Office. More specifically, due to funding cuts, the PD's Office was unable to hire private attorneys as part of their panel, which impacted the PD

attorneys' ability to attend all scheduled court events. In FY10, CINA shelter and non-shelter performance results reached their highest levels since FY08 and FY05, respectively. One possible explanation for the improvements in performance is that the Court was able to adjust its practices to meet the challenges confronting the PD's Office and the economic climate, more generally. Other possible explanations for improved performance between FY09 and FY10 include changes in case characteristics such as fewer sibling cases and the Court's case processing policies such as granting fewer postponements. Additional analyses are required to identify the full cadre of case characteristics that may have impacted the termination status of CINA cases over time.

Case Terminations by Track

Montgomery County Circuit Court's Differentiated Case Management (DCM) Plan established two tracks each for CINA shelter (Tracks 3 and 7) and non-shelter (Tracks 4 and 8) cases. For both CINA shelter and non-shelter cases, there are standard tracks (Tracks 3 and 4) and complex tracks (Tracks 7 and 8). Unlike standard cases, complex cases are designated as such because they require more Court resources and time for the proper resolution.

As shown in Table E.4a, on average, over-standard CINA shelter cases took over two times as long to close than the within-standard cases (47 versus 21 days, respectively). For CINA non-shelter cases (see Table E.4b), the average case time (ACT) for the over-standard cases was 82 days, over two times longer than that of within-standard cases (37 days). For over-standard CINA shelter Track 7 cases, the ACT was 57 days and for the over-standard CINA non-shelter Track 8 cases, the ACT was 85 days. Table E.4a reveals that FY10 standard CINA shelter cases comprised the majority of the over-standard terminations (77%). For over-standard CINA non-shelter cases, one case was originally assigned to the standard track whereas the other was originally assigned to the complex track. Overall, the processing of complex tracked CINA shelter and non-shelter cases was lengthier compared to the processing of standard tracked CINA cases.

Table E.4a FY10 CINA Shelter Case Terminations by Termination Status (Within or Over the 30-day Standard) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 3	114	87%	25	94	82%	90%	21	20	18%	77%	44
Track 7	17	13%	33	11	65%	10%	20	6	35%	23%	57
Total	131	100%	26	105	80%	100%	21	26	20%	100%	47

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Table E.4b FY10 CINA Non-Shelter Case Terminations by Termination Status (Within or Over the 60-day Standard) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track 4	44	71%	36	43	98%	72%	35	1	2%	50%	78
Track 8	18	29%	45	17	94%	28%	42	1	6%	50%	85
Total	62	100%	39	60	97%	100%	37	2	3%	100%	82

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Trial Postponements

Overall, 34% of the CINA shelter cases had at least one trial postponement in FY10 (44/131), which is a noticeable decrease over FY09 (40% of cases had at least one trial postponement) (see Table E.5a for FY10 results). In FY10, only 30% of the standard, Track 3 CINA shelter cases had a trial postponement compared to over half (59%) of the complex, Track 7 cases. Of the cases with trial postponements, 59% (26/44) were over-standard. The majority of CINA shelter Track 3 and Track 7 cases with trial postponements closed over-standard (59% and 60%, respectively). Among CINA shelter cases without postponements, none closed over-standard. Given the relatively short case processing time in which to close CINA shelter cases within-standard (i.e., 30 days from granting the petition to continue the child in shelter care), trial postponements have the ability to wreck havoc on the termination status of this case type.

Of CINA shelter cases with trial postponements, the majority had a single postponement (80%); however, this is noticeably lower than the 93% of CINA shelter cases that had a single postponement in FY09. In contrast, in FY10 a total of 9 cases (20%) cited 2 trial postponements compared to 7 cases (7%) in FY09 that noted 2 or more trial postponements (see Table E.6a). Similar to FY09, the most frequently cited trial postponement reason among CINA shelter cases in FY10 is ‘Calendar Conflicts – Party Needs To Get Affairs In Order’ (N = 37, cited for all cases; N = 21, cited for over-standard cases), followed distally by ‘New Counsel Sought Or Has Entered Their Appearance Or Not Appointed’ (N = 8, cited for all cases; N = 7, cited for over-standard cases).

Table E.5a FY10 CINA Shelter Case Terminations by Trial Postponements, Termination Status (Within or Over the 30-day Standard), and Track

<u>With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 3	114	34	30%	37	14	41%	26	20	59%	44
Track 7	17	10	59%	46	4	40%	30	6	60%	57
Total	131	44	34%	39	18	41%	27	26	59%	47
<u>Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 3	114	80	70%	20	80	100%	20	---	---	---
Track 7	17	7	41%	15	7	100%	15	---	---	---
Total	131	87	66%	19	87	100%	19	---	---	---

* ACT = Average case time, in days.

The association between postponements and over-standard CINA non-shelter terminations was briefly discussed above. In general, the extent to which postponements impact case processing time depends on the number of postponements granted in a case and the length of time afforded for each postponement. As shown in Table E5b, 39% of the CINA non-shelter cases were postponed in FY10, which is 12 percentage points above the FY09 figure (27%). In FY09, the presence of a trial postponement resulted in a case having an almost equal chance of closing within- as compared to over-standard (53% and 47%, respectively). However, this was not the case in FY10, where the presence of a trial postponement was substantially less likely among over-standard compared to within-standard CINA non-shelter cases. In FY10, 92% of postponed CINA non-shelter cases closed within-standard compared to only 8% of cases closing over-standard. These findings highlight the complex relationship between postponements and performance because even with a greater percentage of postponements among the CINA non-shelter

termination population in FY10 as compared to FY09, performance (as measured by the percentage of cases closing within the 60-day time standard) improved from 81% to 97%.

Among postponed CINA non-shelter cases, over half (63%) were from Track 4 (15/24); however, only 34% of Track 4 cases were postponed compared to 50% of Track 8 cases. Similar to CINA shelter cases, the majority of CINA non-shelter cases had only one trial postponement (96%) and only 1 (4%) case contained 2 postponements (see Table E.6b). According to Table E.7b, the most frequently cited reason for a trial postponement among postponed non-shelter cases was ‘Calendar Conflicts – Party Needs To Get Affairs In Order’ (N = 20, cited for all cases, N = 1, cited for over-standard cases).

Table E.5b FY10 CINA Non-Shelter Case Terminations by Trial Postponements, Termination Status (Within or Over the 60-day Standard), and Track

<u>With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 4	44	15	34%	49	14	93%	47	1	7%	78
Track 8	18	9	50%	57	8	89%	54	1	11%	85
Total	62	24	39%	52	22	92%	49	2	8%	82
<u>Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 4	44	29	66%	29	29	100%	29	---	---	---
Track 8	18	9	50%	32	9	100%	32	---	---	---
Total	62	38	61%	30	38	100%	30	---	---	---

* ACT = Average case time, in days.

Table E.6a Number and percentage of postponements among CINA Shelter cases by Termination Status, FY07-FY10

Number of Postponements	All Cases					Within-Standard Cases					Over-Standard Cases				
	FY10	FY09	FY08*	FY07		FY10	FY09	FY08*	FY07		FY10	FY09	FY08*	FY07	
	N	%	%	%	%	N	%	%	%	%	N	%	%	%	%
1	35	80%	93%	96%	84%	17	94%	100%	100%	92%	18	69%	90%	94%	83%
2	9	20%	3%	4%	13%	1	6%	0%	0%	8%	8	31%	4%	6%	13%
3	0	---	3%	0%	3%	0	---	0%	0%	0%	0	---	4%	0%	4%
4	0	---	1%			0	---	0%			0	---	1%		
Total	44	100%	100%	100%	100%	18	100%	100%	100%	100%	26	100%	100%	100%	100%
% Postponed		34%	39%	26%	44%		17%	13%	9%	9%		100%	99%	97%	98%

Note: Percentages do not always add to 100% due to rounding.

Table E.6b Number and percentage of postponements among CINA Non-Shelter cases by Termination Status, FY07-FY10

Number of Postponements	All Cases					Within-Standard Cases					Over-Standard Cases				
	FY10	FY09	FY08*	FY07		FY10	FY09	FY08*	FY07		FY10	FY09	FY08*	FY07	
	N	%	%	%	%	N	%	%	%	%	N	%	%	%	%
1	23	96%	82%	74%	94%	22	100%	100%	100%	100%	1	50%	63%	0%	80%
2	1	4%	18%	26%	6%	0	0%	0%	0%	0%	1	50%	38%	100%	20%
Total	24	100%	100%	100%	100%	22	100%	100%	100%	100%	2	100%	100%	100%	100%
% Postponed		39%	27%	37%	35%		37%	17%	30%	29%		100%	67%	100%	83%

Note: Percentages do not always add to 100% due to rounding.

Table E.7a Reasons for Trial Postponements by Termination Status for CINA Shelter Cases, FY10

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% of Over-Standard/All Cases
		N	(%)	N	(%)	
1	Calendar Conflicts - Party Needs to Get Affairs In Order	37	70%	21	62%	57%
2	New Counsel Sought or Has Entered Their Appearance or Not Appointed	8	15%	7	21%	88%
3	Illness, Medical Emergency, or Death	3	6%	3	9%	100%
4	Increase/Decrease Court Time/Track Change/Postpone Behind Another Case	2	4%	1	3%	50%
5	New Complaint, Petition, 3 rd Party Complaint, or Consolidation Pending/Complaint Not at Issue or Ripe	1	2%	1	3%	100%
6	Settlement, Plea or Reconciliation in Progress	1	2%	1	3%	100%
	Total	53	100%	34	100%	64%

Note: Percentages do not always add to 100% due to rounding.

Table E.7b Reasons for Trial Postponements by Termination Status for CINA Non-Shelter Cases, FY10

	Reason for Trial Postponement	All Cases		Over-Standard Cases		% of Over-Standard Reasons/All Reasons
		N	(%)	N	(%)	
1	Calendar Conflicts - Party Needs to Get Affairs In Order	20	80%	1	33%	5%
2	Illness/Medical Emergency or Death	1	4%	1	33%	100%
3	Increase/Decrease Court Time/Track Change/Trail Behind another Case	3	12%	0	---	0%
4	Mental Evaluation Complete	1	4%	1	33%	100%
	Total	25	100%	3	100%	12%

Note: Percentages do not always add to 100% due to rounding.

Summary of CINA Shelter and CINA Non-Shelter Findings

- Eighty percent of CINA shelter cases closed within the 30-day time standard, and 97% of the CINA non-shelter cases closed within the 60-day time standard. Marked improvements in the within-standard percentages occurred between FY09 and FY10 for both CINA shelter and non-shelter cases.
- Between FY09 and FY10, the overall and the over-standard ACT improved for CINA shelter cases. In particular, there was a 24% and 19% decrease in the average number of processing days for all and over-standard CINA shelter cases between FY09 and FY10, respectively.
- With regard to CINA non-shelter cases, similar decreases were experienced for the overall ACT and the over-standard ACT. Between FY08 and FY09 there was a 71% increase in the number of over-standard CINA non-shelter cases and a 33% increase in the over-standard ACT. However, between FY09 and FY10, there was an 83% decrease in the number of over-standard CINA non-shelter cases and 41% decrease in the over-standard ACT.
- Thirty-four percent of CINA shelter cases had trial postponements in FY10, and 59% of them closed over-standard.
- In FY10, 39% of CINA non-shelter cases had trial postponements. Only 8% of postponed CINA non-shelter cases closed over-standard suggesting that the presence of a postponement does not necessarily lead to poorer performance.

Recommendations for Future CINA Analyses

- Montgomery County Circuit Court plans to conduct several additional analyses that examine case processing against the Court's DCM guidelines. As a baseline, an analysis will be performed that assesses the extent to which cases reach trial by the defined DCM guidelines. Future analyses will be performed by examining the extent to which cases resolve at scheduling, pre-trial, and other key events occurring prior to trial. Through these analyses, the Court can identify the stage of case where timely resolution may be at risk. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to reverse a declining trend. The analysis may also help the Court develop benchmarks for the percentage of cases that should be resolved at each stage or each key court event.
- In FY11, the Court plans to update its Juvenile DCM Plan. As such, providing analysis that examines how the Court performed against the current guidelines may provide insight on what changes need to the Plan to improve case processing efficiency. One area that may need to be examined more closely is the usefulness of standard and complex CINA tracks as analyses have revealed a lack of standardization in the assignment of cases to the standard and complex tracks.
- Montgomery County Circuit Court experienced marked improvements in the performance of CINA shelter and non-shelter cases between FY07 and FY08. Equally marked declines in performance were experienced between FY08 and FY09 only to improve again between FY09 and FY10. The Court should examine more closely the changes implemented in FY09 and FY10 that may have impacted performance. For instance, in the FY09 Case Processing Report, the Court noted that the scheduling of hearings when multiple CINA cases are filed in a very short period of time may have impacted the number of hearing postponements especially given the limited number of attorneys who are contracted to handle CINA cases. It would be interesting to know whether there were changes made to the scheduling of CINA hearings in FY10, which contributed to the improvement in performance.

CINA Recommendations to the Circuit Court Time Standards Sub-Committee

- Recommend that a suspension event for CINA cases be added to the time standards to account for postponements of the adjudication hearing because of an incomplete mental health evaluation or other valid reasons that are beyond the control of the court. A similar suspension event (psychological evaluation) is currently available for criminal and juvenile delinquency cases. Although, for criminal and juvenile delinquency cases, courts can exclude time for a psychological evaluation regardless of whether it postpones the trial or adjudication dates. Given that the mental health evaluation is completed by an outside agency and obtaining the report directly impacts case progress, it seems logical to identify a postponement due to incomplete mental health evaluation as a valid suspension event for CINA cases.

Termination of Parental Rights (TPR) Fiscal Year 2010 Case Terminations

F. TPR Case Processing Definitions and Summary

	TPR Case Time Definitions	Percent Within Standard	Additional Montgomery County Measurements
TPR	<p><u>Case Time Start:</u> TPR Petition Filed.</p> <p><u>Case Time Stop:</u> Ruling on Petition (guardianship judgment/decree).</p>	<p><u>State-Set Goal:</u> 100% within 180 days</p> <p><u>Montgomery County:</u> FY 2005: 60% FY 2006: 56% FY 2007: 42% FY2008: 61% FY2009: 95% FY2010: 82%</p>	<p><u>Average Case Processing Time:</u> FY 2005: 179 days FY 2006: 169 days FY 2007: 208 days FY2008: 187 days FY2009: 145 days FY2010: 150 days</p>
Note: TPR case processing time is suspended for interlocutory appeal and military leave.			

Overall TPR Case Terminations

Table F.1 displays the number of original termination of parental rights (TPR) case terminations,²¹ as well as case processing performance by termination status for Fiscal Years 2005-2010 (FY05-FY10). The number of TPR cases with original terminations in FY10 is 67, which reflects a 72% increase in terminations over FY09 (N =39). The number of original TPR case terminations has fluctuated over the past five fiscal years. For example, between FY07 and FY08, there was 125% increase in the number of originally terminated TPR cases, which is markedly higher than what was experienced between FY09 and FY10.

Table F.1 Number of TPR Case Terminations FY05-FY10

Fiscal Year	Terminations		Within-Standard Terminations (180-day Standard)			Over-Standard Terminations (180-day Standard)		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	40	179	24	60%	129	16	40%	255
FY06	18	169	10	56%	127	8	44%	222
FY07	31	208	13	42%	134	18	58%	260
FY08	70	187	43	61%	128	27	39%	282
FY09	39	145	37	95%	143	2	5%	196
FY10	67	150	55	82%	127	12	18%	255

* ACT = Average Case Time, in days.

The percent of TPR cases closing within-standard in FY10 is 82%, which is 13 percentage points lower than the percentage for FY09 (95%). While the FY10 within-standard percentage is lower than that achieved in FY09, TPR performance is much improved over the performance achieved between FY05 and FY08. The overall average case time (ACT) increased by 5 days (3%) between FY09 and FY10. The increase in the overall ACT appears to be due to an increase of 59 days in the over-standard ACT from

²¹ For the purposes of this report, “closure” in TPR cases represents the court’s final order of guardianship as defined by the Maryland Judiciary for the sole purpose of the Maryland Caseflow Assessment.

196 days in FY09 to 255 days in FY10 (i.e., 30% change). The increase in the overall ACT may also be attributed to the fact that the Court processed markedly more TPR cases in FY10 as compared to FY09. However, it is important to note that the total number of TPR terminations does by itself explain why TPR performance varies over time. In fact, more important than the number of TPR cases processed may be the composition of those cases. For instance, in FY10, the reason for two cases closing over-standard appears to be because of a stay order pending the resolution of an appeal in the original CINA cases. If the time associated with this stay order had been excluded from the calculation of case time, the cases would have closed within the 180-day time standard and performance would have improved from 82% to 85%. It appears that a stay order pending the resolution of an appeal in the original CINA case should be a case time standards suspension event in TPR cases. While this may not happen frequently, with a performance goal of 100% in TPR cases, any delay outside of the Court's control should be suspended.

Trend in TPR Case Terminations

Table F.2 displays the annual changes in the number of terminations and case processing performance of TPR cases since FY05. As shown in Table F.1, the total number of TPR cases terminated annually has been quite variable. The number of original terminations in FY10 is comparable to FY08 whereas the number of original terminations in FY09 is comparable to the number of terminations experienced in FY05 and FY07. The total number of terminations experienced in FY06 and FY08 appears to reflect the lower and upper bounds, respectively of total TPR terminations. Between FY05 and FY10, there has been a 68% increase in the number of total TPR cases terminated annually, but a decrease of 16% in the overall ACT (See Table F.2). Among within-standard TPR terminations there has been a 129% increase between FY05 and FY10, whereas among over-standard TPR terminations there has been a 25% decrease during the same time period. The improvement in the overall ACT between FY05 and FY10 is primarily due to the noticeable increase in the number of within-standard TPR terminations. The 72% increase in the number of TPR terminations between FY09 and FY10 may be due to a variety of reasons including a policy change with the Department of Health and Human Services in how they handle TPR filings. Specifically, the Department is making an effort to determine whether or not to file a TPR petition once a child has been in foster care for 15 consecutive months, or 15 out of 22 months. In conjunction with this policy, the Department has also made efforts to dismiss TPR cases within 180-days. The combined policy and procedural changes implemented by the Department of Health and Human Services in FY10 may explain (in part) why the number of TPR terminations increased over the past two years

Table F.2 Annual Changes in the Number of TPR Case Terminations FY05-FY10

Annual Change	Total Terminations		Change In Within-Standard Terminations (180-day Standard)		Change in Over-Standard Terminations (180-day Standard)	
	N	ACT*	N	ACT	N	ACT
FY05-FY06	-22 (-55%)	-10 (-6%)	-14 (-58%)	-2 (-2%)	-8 (-50%)	-33 (-13%)
FY06-FY07	13 (72%)	39 (23%)	3 (30%)	7 (6%)	10 (125%)	38 (17%)
FY07-FY08	39 (125%)	-21 (-10%)	30 (231%)	-6 (-4%)	9 (50%)	22 (8%)
FY08-FY09	-31 (-44%)	-42 (-22%)	-6 (-14%)	15 (12%)	-25 (-93%)	-86 (-30%)
FY09-FY10	28 (72%)	5 (3%)	18 (49%)	-16 (-11%)	10 (500%)	59 (30%)
FY05-FY10	27 (68%)	-29 (-16%)	31 (129%)	-2 (-2%)	-4 (-25%)	0 (0%)

* ACT = Average Case Time, in days.

The ACT for within-standard TPR cases decreased slightly (by 2 days or 2%) between FY05 and FY10, and there was no change in the ACT for over-standard cases during this time period. Interestingly, FY08 experienced the greatest number of TPR terminations since FY05, and despite this increase, the Court improved its within-standard percentage by 19 percentage points from closing 42% of its cases within-standard in FY07 to closing 61% within-standard in FY08. Between FY07 and FY08, closing more TPR cases did not result in less efficient processing. In FY10, which had a comparable number of TPR

terminations to FY08, more cases were processed within the 180-day time standard (82% in FY10 compared to 61% in FY08).

For the past three fiscal years, the Montgomery County Circuit Court has undertaken several initiatives to ensure that child welfare cases are processed not only efficiently but also in accordance with the Maryland Judiciary's defined time standards, the Court's best practices, and all Maryland rules and federal guidelines. Specifically, the following improvement initiatives were implemented mid-way through FY08:

- In order to serve parent(s) and/or guardian(s) as soon as possible and following Maryland Rule 9-104b, which requires a status hearing to be held within 60 days from filing, the Court set the initial service/status hearing and scheduled the hearing every two weeks until service was perfected. By doing this the Court was ensuring that the issue of service compliance remained a priority.
- Scheduling hearings were held on the record with case manager involvement to minimize attempts to schedule the trial date too far into the future. Scheduling hearings were initially called scheduling conferences and were held in chambers with the judge's law clerk, the County Attorney, the parents' attorneys, and the child's attorney. At times, pressure was put on the law clerks to select trial dates beyond the time standard guidelines.
- Trial dates were automatically scheduled within 150 days of filing the petition.
- TPR mediation status hearings were implemented to allow the parties to come directly from mediation and place consents or agreements on the record, rather than requiring them to prepare and file a motion, which must then be processed and ruled upon resulting in additional time taken to process TPR cases.
- The Office of the County Attorney modified its approach to handling child welfare cases, which helped to improve TPR case processing. Specifically, an Associate County Attorney tracks TPR case progress from filing to service, maintains weekly contact with Court personnel about the status of service attempts, and streamlined attorney assignment.

While an improvement in TPR case processing performance was achieved between FY07 and FY08, it was not until FY09 that the Court started reaping the rewards of its improvement strategies. In FY10, the Court experienced a slight decrease in the percentage of TPR cases closing within the 180-day time standard. One possible explanation for this decrease in performance between FY09 and FY10 is that some of the improvement initiatives implemented in FY08 and FY09 have been relaxed or modified. In particular, during FY10, a one time status hearing to discuss service was implemented to comply with Maryland Rule 9-104b, and further discussions about service (if necessary) occur in the Judge's chambers. This policy change replaces the initiative implemented in FY08 where a status hearing was scheduled every two weeks until service was perfected. Another modification made was to the scheduling of trial dates. As a result of increases in TPR filings, a decision was made to automatically set the trial date between 140 to 160 days as opposed to automatically setting the trial date at day 150. Additional analyses are required to assess whether or not these modifications to Court procedure and the improvement initiatives originally developed and implemented had any impact on the changes in case processing performance between FY09 and FY10.

A challenge often plaguing TPR performance is that the current time standards set the case start time at the filing of the TPR petition and the case stop date at the ruling on the petition, and stipulate that the cases should close within 180 days to reflect the legislative intention, the protection of the welfare of children involved in these cases. From a judicial case processing perspective, including the time that a court is largely forced to wait and remain inactive, such as the time between case filing and service, in the calculation of case time seems to confound the accurate calculation of the case processing time. This is particularly true for TPR cases where the cases are often delayed due to difficulties in locating and serving parents.

Case Terminations by Trial Postponements

Tables F.3 through F.5 provide information on TPR trial postponements. In FY10, 43% (29/67) of TPR cases were postponed (see Table F.3.), which is comparable to the percentage of postponed cases experienced in FY08 and markedly higher than FY09 (26%). Sixty-six percent of TPR cases that were postponed closed within-standard compared to 100% of postponed TPR cases in FY09. Seventy-six percent of TPR cases that were postponed in FY10 were only postponed once compared to 100% in FY09, 83% in FY08, and 88% in FY07. In FY10, 14% of TPR cases with a single postponement closed over-standard, which contrasts FY09 where no TPR cases with a single postponement closed over-standard. In FY10, cases without trial postponements have a longer over-standard case processing time as compared to cases with postponements (432 days and 219 days, respectively). However, this pattern of results is due to two TPR cases with extremely long processing times, which were obtained because of a stay order pending the resolution of an appeal in the original CINA cases.

Table F.3 FY10 TPR Case Terminations by Trial Postponements, Termination Status (Within or Over the 180-day Standard), and Track

<u>With Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 9	67	29	43%	179	19	66%	158	10	34%	219
Total	67	29	43%	179	19	66%	158	10	34%	219
<u>Without Trial Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 9	67	38	42%	128	36	95%	111	2	5%	432
Total	67	38	42%	128	36	95%	111	2	5%	432

* ACT = Average case time, in days.

The most frequently cited reason for postponing a TPR case was ‘Calendar Conflicts – Party Needs to Get Affairs In Order’ (N = 15, times cited as a reason for all TPR cases; N = 7, times cited as a reason for over-standard TPR cases). The second most frequently cited postponement reason is ‘System-Generated Initial Trial Date – Not Conformed to Counsels’ Availability’ (N = 10, times cited as a reason for all TPR cases; N = 5, times cited as a reason for over-standard TPR cases). It may be important for the Court to investigate postponements due to a ‘System-Generated Initial Trial Date (that does) Not Conform to Counsels’ Availability’ because it may reveal gaps in the Court’s scheduling practices. If automatically scheduled trial dates are frequently postponed, it may be useful to explore alternatives to such scheduling practices. It is also interesting to note that this postponement reason was not cited in FY07 or FY08 but reappeared in FY09. Comparing the FY09 and FY10 postponement results, it appears that FY10 experienced a higher percentage of postponements, a higher number of postponements among postponed cases, and a higher percentage of postponed cases closing over-standard all of which may contribute to the decline in processing performance witnessed during this period.

Table F.4 Postponed TPR Cases by the Number of Trial Postponements and Termination Status, FY07-FY10

Number of Postponements	All Cases					Within-Standard Cases					Over-Standard Cases				
	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07	FY10		FY09	FY08*	FY07
	N	%	%	%	%	N	%	%	%	%	N	%	%	%	%
1	22	76%	100%	83%	88%	19	100%	100%	76%	100%	3	30%	---	92%	0%
2	7	24%	---	14%	13%	0	---	---	24%	0%	7	70%	---	0%	100%
3	0	---	---	3%	0%	0	---	---	0%	0%	0	---	---	8%	0%
Total	29	100%	100%	100%	100%	19	100%	100%	100%	100%	10	100%	---	100%	100%
% Postponed		43%	26%	41%	26%		35%	27%	40%	54%		83%		44%	6%

Note: Percentages do not always add to 100% due to rounding.

Table F.5 Reasons for Trial Postponements by Termination Status for TPR Cases, FY10

Reason for Trial Postponement		All Cases		Over-Standard Cases		% of Over-Standard Reasons/All Reasons
		N	(%)	N	(%)	
1	Calendar Conflicts - Party Needs to Get Affairs In Order	15	42%	7	41%	47%
2	Pending Motions to Be Heard or Ruled On	3	8%	0	---	0%
3	System-Generated Initial Trial Date Not Conformed to Counsels' Availability	10	28%	5	12%	50%
4	Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare	2	6%	2	12%	100%
5	Increase/Decrease Court time/Track Change/To Trail Behind Another Case	1	3%	0	---	0%
6	Judge Unable to Reach Court Event (e.g., illness, scheduling conflict)	1	3%	0	---	0%
7	Parent Not Present	1	3%	1	6%	100%
8	Reports and Evaluations Not Completed/Re-Evaluation Ordered	1	3%	1	6%	100%
9	Settlement, Plea or Reconciliation in Progress	1	3%	0	---	0%
10	Party(s) Did Not Receive Notice of Court Date	1	3%	1	6%	100%
Total		36	100%	17	100%	47%

Note: Percentages do not always add to 100% due to rounding.

Summary of TPR Findings

- There were 67 TPR original case closures by Montgomery County Circuit Court in FY10, which represents a 72% increase in the total number of terminations since FY09.
- In FY10, 82% of TPR cases closed within-standard, which was a 13 percentage point decrease over the within-standard percentage achieved for FY09. The Circuit Court has yet to meet the state defined goal of closing 100% of TPR cases within-standard; however, efforts have and are continuing to be undertaken to achieve the defined goal.
- Forty-three percent of TPR cases were postponed (29/67) in FY10, and sixty-six percent closed within-standard.
- Among postponed TPR cases, 76% of cases had a single postponement and the most frequently cited postponement reason was due to 'Calendar Conflicts-Party Needs to Get Affairs in Order.'
 - The percentage of 2 or more trial postponements has increased between FY07 and FY10, and all cases with 2 trial postponements in FY10 closed over-standard, which suggests that as the number of trial postponements increases in a case so does the likelihood that the case will close over-standard.

Recommended for Future TPR Analyses

- Montgomery County Circuit Court plans to conduct several additional analyses that examine case processing against the Court's DCM guidelines. As a baseline, an analysis will be performed that assesses the extent to which cases reach trial by the defined DCM guidelines. Future analyses will be performed by examining the extent to which cases resolve at scheduling, pre-trial, and other key events occurring prior to trial. Through these analyses, the Court can identify the stage of case where timely resolution may be at risk. Any early indication of performance slippage will serve as a preemptive warning for Court personnel that efforts need to be undertaken to reverse a declining trend. The analysis may also help the Court develop benchmarks for the percentage of cases that should be resolved at each stage or each key court event.
 - One area that may need to be examined more closely is the process of automatically setting adjudication dates in TPR cases as the second most frequently cited postponement reason in FY10 was the 'System-Generated Initial Trial Date – Not Conformed to Counsels' Availability.'
- Convene a meeting with the Family Division Services Coordinator, Supervising Juvenile Case Manager, and the Clerk's Juvenile Department Manager to discuss additional analyses that can be used to inform the processing of TPR cases.
- It may be useful to examine the length of time between filing and service in TPR cases in light of changes made to the Court's FY09 practice of holding status conferences every two weeks until service is perfected.
- Examine the number of TPR case filings between FY09 and FY10, and identify whether any changes have occurred and the possible impact (if any) on termination status.
- Examine the number of cases with trials held in FY09 as compared to FY10 as well as the time period in which trials are scheduled. Assess whether changes to the scheduling practices of trials has impacted termination status.

Recommendations to the Circuit Court Time Standards Sub-Committee

- Recommend that a suspension event for TPR cases be added to the time standards when a stay is ordered pending the resolution of an appeal in the original CINA case. A similar suspension event (interlocutory appeal) occurs in all other case types except CINA cases. Given that the resolution of the appeal directly impacts the outcome of the case and the Court cannot move forward without its resolution, it seems logical that this particular stay is defined as a valid case time standards suspension event for TPR cases.